OF THE BENGAL LEGISLATURE

First Session—1-13.

# Official Report

# Bengal Legislative Council Debates

17th to 20th, 23rd to 27th February, and 3rd, 6th, 9th and 10th March, 1942.

596
CALCUTTA

Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal
1942

OF THE BENGAL LEGISLATURE

# BENGAL LEGISLATIVE COUNCIL.

PRESIDENT

The Hon'ble Mr. SATYENDRA CHANDRA MITRA, M.L.C.

DEPUTY PRESIDENT.

Khan Sahib ABDUL HAMID CHOWDHURY, M.L.C.

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2. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur.
3. Mr. J. B. ROSS.
4. Maulana MUHAMMAD AKRUM KHAN.

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## GOVERNMENT OF BENGAL.

### GOVERNOR OF BENGAL.

His Excellency Sir JOHN ARTHUR HERBERT, G.C.I.E.

### MEMBERS OF THE COUNCIL OF MINISTERS.

The Hon'ble Mr. ABUL KASEM FAZLUL HUQ, Minister in charge of the Home and Publicity Departments.

The Hon'ble Dr. SYAMAPRASAD MOOKERJEE, Minister in charge of the Finance Department.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, Minister in charge of the Department of Agriculture and Industries.

The Hon'ble Mr. SANTOSH KUMAR BASU, Minister in charge of the Department of Public Health and Local Self-Government.

The Hon'ble Khan Bahadur M. ABDUL KARIM, Minister in charge of the Education Department and of the Department of Commerce and Labour.

The Hon'ble Mr. PRAMATHA NATH BANERJEE, Minister in charge of the Revenue Department and of the Judicial and Legislative Departments.

The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN, Minister in charge of the Co-operative Credit and Rural Indebtedness Department.

The Hon'ble Mr. SHAMSUDDIN AHMED, Minister in charge of the Department of Communications and Works.

The Hon'ble Mr. UPENDRA NATH BURMAN, Minister in charge of the Forests and Excise Department.

# BENGAL LEGISLATIVE COUNCIL.

## ALPHABETICAL LIST OF MEMBERS.

### A

1. Ahmad, Khan Bahadur Naziruddin. [Burdwan Division Muhammadan (Rural).]
2. Ahmed, Mr. Nur. [Chittagong Muhammadan (Rural).]
3. Ahmed, Mr. Mesbahuddin. [Bengal Legislative Assembly.]
4. Ali, Mr. Altaf. [Bengal Legislative Assembly.]
5. Aziz, Khan Sahib Abdul. [Presidency Division South Muhammadan (Rural).]

### B

6. Baksh, Mr. Kader. [Bengal Legislative Assembly.]
7. Banerjee, Rai Bahadur Keshab Chandra. [Dacca Division North General (Rural).]
8. Barua, Mr. Dhirendra Lal. [Chosen by the Governor.]
9. Bose, Rai Bahadur Manmatha Nath. [Burdwan Division South-West General (Rural).]

### C

10. Chakraverti, Mr. Shrish Chandra. [Calcutta General (Urban).]
11. Chaudhury, Mr. Moazzemali *alias* Lal Mia. [Faridpur Muhammadan (Rural).]
12. Chowdhury, Khan Sahib Abdul Hamid. [Mymensingh West Muhammadan (Rural).]
13. Chowdhury, Mr. Khorshed Alam. [Bakarganj Muhammadan (Rural).]
14. Chowdhury, Khan Bahadur Rezzaqul Haider. [Noakhali Muhammadan (Rural).]
15. Chowdhury, Mr. Hamidul Huq. [Bengal Legislative Assembly.]
16. Chowdhury, Mr. Humayun Reza. [Rajshahi *cum* Malda Muhammadan (Rural).]
17. Cohen, Mr. D. J. [Chosen by the Governor.]

D

18. Das, Mr. Lalit Chandra. [Chittagong Division General (Rural).]
19. Datta, Mr. Bankim Chandra. [Bengal Legislative Assembly.]
20. Datta, Mr. Narendra Chandra. [Bengal Legislative Assembly.]
21. D'Rozario, Mrs. K. [Chosen by Governor.]
22. Dutta, Mr. Kamini Kumar. [Bengal Legislative Assembly.]

E

23. Esmail, Khan Bahadur Alhadj Khwaja Muhammad. [Dacca North-West Muhammadan (Rural).]

F

24. Ferguson, Mr. R. W. N. [Bengal Legislative Assembly.]

G

25. Goswami, Mr. Kanai Lal. [Calcutta Suburbs General (Urban).]

H

26. Hosain, Khan Bahadur Saiyed Muazzamuddin. [Bengal Legislative Assembly.]
27. Hossain, Mr. Latafat. [Chosen by the Governor.]
28. Hossain, Mr. Mohamed. [Bengal Legislative Assembly.]
29. Huq, Khan Bahadur Syed Muhammad Ghaziul. [Tippera Muhammadan (Rural).]

J

30. Jan, Alhadj Khan Bahadur Shaikh Muhammad. [Calcutta and Suburbs Muhammadan (Urban).]

K

31. Kabir, Mr. Humayun. [Bengal Legislative Assembly.]
32. Karim, Khan Bahadur M. Abdul. [Mymensingh East Muhammadan (Rural).]
33. Khan, Khan Bahadur Muhammad Asaf. [Rangpur Muhammadan (Rural).]
34. Khan, Maulana Muhammad Akram. [Bengal Legislative Assembly.]

L

35. Laidlaw, Mr. W. B. G. [European.]
36. Lamb, Sir T. [Bengal Legislative Assembly.]

M

37. McFarlane, Mr. J. [European.]
38. Maitra, Rai Bahadur Brojendra Mohan. [Rajshahi Division South-West General (Rural).]
39. *Mitra, the Hon'ble Mr. Satyendra Chandra. [Bengal Legislative Assembly.]
40. Molla, Khan Sahib Subidali. [Bengal Legislative Assembly.]
41. Momin, Begum Hamida. [Chosen by the Governor.]
42. Mookerjee, Mr. Naresh Nath. [Bengal Legislative Assembly.]
43. Mookerji, Dr. Radha Kumud. [Bengal Legislative Assembly.]

N

44. Nimmo, Mr. T. B.

P

45. Pal Chaudhuri, Mr. Ranajit. [Presidency Division General (Rural).]

Q

46. Quasem, Khan Sahib Abul. [Bengal Legislative Assembly.]

*President of the Bengal Legislative Council.

## R

47. Rahman, Khan Bahadur Ataur. [Presidency Division North Muhammadan (Rural).]
48. Rahman, Khan Bahadur Mukhlesur. [Rajshahi Division North Muhammadan (Rural).]
49. Rashid, Khan Bahadur Kazi Abdur. [Dacca South-East Muhammadan (Rural).]
50. Ray, Mr. Nagendra Narayan. [Bengal Legislative Assembly.]
51. Ray, Rai Sahib Jogendra Nath. [Burdwan Division North-East General (Rural).]
52. Ray, Dr. Kumud Sankar. [Dacca Division South General (Rural).]
53. Ross, Mr. J. B. [Bengal Legislative Assembly.]
54. Roy, Mr. Amulya Dhone. [Bengal Legislative Assembly.]
55. Roy, Rai Bahadur Radhica Bhusan. [Bengal Legislative Assembly.]
56. Roy Chowdhury, Mr. Krishna Chandra. [Chosen by the Governor.]
57. Roy Chowdhury, Mr. Birendra Kishore. [Bengal Legislative Assembly.]

## S

58. Sanyal, Mr. Sachindra Narayan. [Bengal Legislative Assembly.]
59. Sen, Rai Sahib Jatindra Mohan. [Rajshahi Division North-West (Rural).]
60. Shamsuzzoha, Khan Bahadur M. [Bengal Legislative Assembly.]
61. Singh Roy, The Hon'ble Sir Bijoy Prasad. [Bengal Legislative Assembly.]
62. Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. [Bengal Legislative Assembly.]

## T

63. Talukdar, Dr. Kasiruddin. [Bogra *cum* Pabna Muhammadan (Rural).]

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session—No. 1.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 17th February, 1942, at 2-15 p.m., being the first day of the First Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

## Obituary Reference.

**Mr. PRESIDENT:** Honourable members of the Legislative Council: At the outset of the proceedings of the House, it is the duty of the Chair to refer to the sad death of the Right Honourable Sir Akbar Hydari, Member of the Viceroy's Executive Council, which occurred at New Delhi on the 8th January last.

After a brilliant academic career in the Bombay University, Sir Akbar joined the Indian Finance Service at the early age of 19 and soon made his mark as an officer of considerable ability and talents. He held many responsible posts in this department, having spent a couple of years in Calcutta as the Controller of Currency. In 1905, he joined the Nizam's Government where he served as the Finance Member of the Nizam's Executive Council for 17 years at a stretch. In this capacity Sir Akbar rendered excellent service, so much so that he is generally regarded as the maker of modern Hyderabad. When complicated political problems affecting the interests of the Indian States cropped up for discussion and decision at the Round Table Conferences prior to the enactment of the Government of India Act, 1935, his services were requisitioned by the Nizam in the capacity of his Minister-in-charge of Constitutional Affairs. The consummate skill displayed by him in this new role resulted among others, in the restoration of the Nizam's sovereignty over Berar. In recognition of these invaluable services to the State, Sir Akbar was raised to the office of the President of His Exalted Highness the Nizam's Executive Council and he continued as such till his retirement in August, 1941. Although over 70 years of age, he enthusiastically responded shortly after his retirement to the invitation of the Viceroy to join the expanded Executive Council of the Governor-General and held charge of the Ministry of Information till his death.

An erudite scholar, an ardent exponent of Indian Culture, and an able administrator, Sir Akbar endeared himself to all sections of the people as one of the outstanding personalities of modern India. In his public as well as private life, he admitted no difference of community and it is this spirit of tolerance and broadmindedness which charmed every one that came in contact with him. He was a great admirer of everything relating to ancient Indian culture and this made him a staunch devotee of that great Indian Yogee, Sri Aurobindo, of the Pondicherry Ashram where he made it a point to pay annual visits. He also took a keen interest in Poet Rabindranath's Viswa-Bharati which received financial grants from the Nizam's Government at his instance. Activities such as these go to show that Sir Akbar had imbibed the ideals of that true culture which knows no boundaries of race or colour.

It was in recognition of this remarkable trait in his character that he was invited by the Calcutta University, shortly before his death, to deliver a course of lectures on "Indian Culture" as the Kamala Lecturer. India is undoubtedly the poorer to-day by the death of a man of such versatile talents, particularly during this most critical period in her history.

May his soul rest in peace!

I would now request the honourable members to rise in their places as a mark of respect to the memory of the illustrious deceased.

(Members rose in their seats.)

Thank you, gentlemen. The condolences of the House will be conveyed to the members of the bereaved family in due course.

## QUESTIONS AND ANSWERS

### Outstanding Questions of the Second Session of 1941 and Answers thereto.

#### Appointment of Commissioner of Commercial Tax.

**117. Khan Bahadur REZZAQUL HAIDER CHOWDHURY:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) the number of officers and clerks recently appointed by the Commissioner of Commercial Tax;

(*b*) how many of them are Mussalmans;

(*c*) the names of Mussalman candidates with their respective qualifications and the posts in which they have been appointed;

(*d*) what is the principle which guided the Commissioner in selecting the candidates for appointments;

(*e*) whether the Commissioner had any directions from the Government in this matter;

(*f*) if so, what are these;

(*g*) whether it is a fact that academic qualifications were not taken into consideration in selecting the candidates;

(*h*) whether it is a fact that Matriculate candidates were taken in preference to candidates having B.Com. or M.Com. degree;

(*i*) if so, what are the reasons for the same;

(*j*) whether it is a fact that one Maulvi Saheb Ullah, M.Com., and one Maulvi Sagirul Hasan, B.Com., were candidates; and

(*k*) if so, whether they were selected; if not, why not?

**MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Dr. Syama Prasad Mookerjee):** (*a*) (*i*) Nil. The appointment of officers in the Commercial Tax Department is made by Government, not by the Commissioner.

(*ii*) Clerks—107.

(*b*) 54.

(*c*) The information cannot be given without an amount of labour which I feel is altogether incommensurate with the value of the information when collected.

(*d*) Candidates were selected in consideration of their academic attainments, experience and handwriting. A competitive examination was held amongst those selected for appointment in Calcutta.

(*e*) and (*g*) No.

(*f*) Does not arise.

(*h*) and (*i*) No candidate possessing M.Com. degree applied for a clerical post. Any B.Com. who applied was called to the examination unless disqualified on account of his handwriting.

(*j*) I understand these two gentlemen were candidates for posts of Commercial Tax Officer. The appointing authority for such posts is the Provincial Government.

(*k*) Does not arise.

## Outstanding Questions of Third Session of 1941 and Answers thereto.

### Abolition of Kalihati Circle.

**1. Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if Kalihati Circle under Tangail subdivision in the district of Mymensingh has been abolished and the area thereunder has been distributed between the two neighbouring circles, viz., Tangail and Gopalpur;

(*b*) if the Government are aware that the said arrangement has caused great hardship to and put heavy pressure of duties on the Circle Officers of Tangail and Gopalpur and caused great inconvenience to the general public including the Presidents and members of the Union Boards and Chairmen and members of the Debt Settlement Boards of the former Kalihati Circle and that due to laek of supervision has caused deterioration in the proper administration of those Boards; and

(*c*) if the answer to the above question be in the affirmative, whether the Government propose to continue the present arrangement or to revive the Kalihati Circle in the near future?

**MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq):** Yes. I am making enquiries and will give the information desired in due course.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister be pleased to state the nature of the enquiry he has started?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** An enquiry has been started to collect information required to enable me to answer the question.

**Khan Sahib ABDUL HAMID CHOWDHURY:** May I know whether the opinion of the District Officer has been taken in the matter?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Yes, the opinion of the District Officer and other officers competent to give opinion.

**Appointment of retired officers.**

1. **Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) if some officers have been reappointed in the past after retirement from service; and

(*ii*) if some Bengal Civil Service officers have recently been re-appointed after their retirements from Government service?

(*b*) If the answer to the above questions be in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) if the above system is financially unsound;

(*ii*) if the above system is causing discontentment among the junior officers;

(*iii*) if the above system is in direct conflict with the clear intention of the Legislature;

(*iv*) if the above system is in violation of the recommendation of the Retrenchment Committee; and

(*v*) if it causes discontentment among the unemployed youths?

(*c*) If the answer to the above questions be in the affirmative, will the Hon'ble Minister be pleased to state if Government proposes to put a stop to the above system? If not, why not?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) Yes.

(*b*) (*i*) and (*iv*) No.

(*ii*) No, as the appointments are outside the cadre.

(*iii*) Government are not aware that the Legislature ever expressed any opinion in the matter.

(*v*) Government have no information.

(*c*) No.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister be pleased to state if the system of giving appointments to retired officers was in vogue before April, 1937?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I am not aware of what happened before and am not in a position to answer this question.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister be pleased to state at what rate these appointments are made from among the retired officers?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** As far as I am aware, appoinments of retired officers are very sparingly made. Moreover, such appointments are made on consideration of special qualifications and fitness to do the duties entrusted to them. Besides, as I have said, these appointments are made outside the cadre.

**Mr. HUMAYUN KABIR:** Arising out of (*b*) (*iii*), does the Hon'ble Minister remember the resolution which was passed in the Legislature requesting Government to compulsorily retire all officers after 25 years of service?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Yes.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Are these officers allowed pension as well as the pay at which they are appointed?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** The principle kept in view is that the total emolument should not exceed the pay that he would otherwise get.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Is that principle applicable in the case of appointments in the A.R.P. Department also?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I am not aware as to what happens in the A.R.P. They are made under instructions from the Central Government.

**Mr. HUMAYUN KABIR:** Arising out of (*c*), will the Hon'ble Minister be pleased to state why the Government do not want to put a stop to the system of recruiting officers who have been retired on the ground of overage?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Personally, I am very much against the appointment of retired officers but the appointing authorities and those who want such appointments to be made maintain that there are certain duties which are better and more properly performed by experienced officers rather than by officers who are immediately recruited. That is the reason why Government permit very sparingly the appointment of retired officers.

**Mr. HUMAYUN KABIR:** Will the Hon'ble Minister make it a rule that in case of appointments of such officers after retirement, it may not be done by any particular officer but should be sanctioned by by the Cabinet?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** It is difficult for the Cabinet as a whole to make appointments. What can be done is—the appointing authorities may be directed to report to the Ministers concerned so that there may be some check on the appointments that are made.

**The Bengal Legislative Council Powers and Privileges Bill, 1939.**

**3. Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if it is a fact—

(*i*) that Mr. Bankim Chandra Dutta, M.L.C., introduced on 1st December, 1939, "The Bengal Legislative Council Powers and Privileges Bill, 1939";

(*ii*) that the said Bill was referred on 12th January, 1940, at the instance of the sponsor of the Bill to a Select Committee for submission of report by the end of March, 1940;

(*iii*) that the said period for submission of the report was extended on the 29th March, 1940, on a motion of the Hon'ble Minister in charge of the Home Department to the 30th July, 1940, and

(*iv*) that this extended period was further extended by the Council on the 29th July, 1940, up to the 15th November, 1940?

(*b*) If the answer to the above question be in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) if any action has since been taken for holding the meeting of the Select Committee; and

(*ii*) if any meeting of the Select Committee has since been convened and held?

(*c*) If the answer to the question at (*b*) above be in the negative, will the Hon'ble Minister be pleased to state why no action has been taken in the matter?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) Yes.

(*b*) No.

(*c*) A Government Bill was introduced in the Lower House which it was intended to refer to a joint Select Committee.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister be pleased to state when the Government Bill was introduced in the Lower House?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I cannot give the exact date; probably the Bill was introduced in the July-September session. I am of course speaking off-hand from memory.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister be pleased to state at what stage the Government Bill is at present?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Nothing has been decided. But the question is being considered and it is difficult for me to say when the decision will be taken; the requirements of the two Houses will, however, be taken into consideration and all attempts will be made to come to a very quick decision.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Is the Hon'ble Minister aware that the Bill introduced by Mr. Bankim Chandra Datta has been re-introduced and re-committed to a Select Committee of which the Hon'ble Minister is one of the members?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** By the Lower House?

**Khan Sahib ABDUL HAMID CHOWDHURY:** By this House.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I am extremely sorry, I do not remember.

## Deputy Magistrates and Deputy Collectors.

**4. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether the sanctioned strength of Deputy Magistrates, Deputy Collectors is not 232, as against actual strength of 235 as shown in the footnote of page 72 of the Civil List corrected up to 1st July, 1941;

(*b*) whether Government is re-employing retired pensioned Deputy Collectors in addition to these posts; if so, why;

(*c*) why 3 posts are in excess of sanctioned strength; and

(*d*) why the sanctioned strength is shown as 322 at the top of page 50 of the same Civil List and 9 shown in the selection grade and 249 below the selection grade?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) Yes: the sanctioned strength is 232 but the actual strength is 252.

(*b*) In view of the imperative necessity for the services of additional officers with administrative experience to deal with the extra work entailed by the war and the creation of A. R. P. service, six retired Deputy Collectors have been temporarily re-employed.

(*c*) The strength of the cadre was fixed at 232 with effect from the 22nd November, 1939. Previously it had been 322 and the necessary reduction was designed to be carried out over a fixed number of years. The cadre is reducing itself according to plan.

The question of a further revision of the cadres of the Bengal Civil Service and the Bengal Junior Civil Service with a view to increasing the former is at present under consideration.

(*d*) The sanctioned strength figure of 322 and the figure 249 are printing mistakes. This will be corrected in the next issue of the Civil List.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** With reference to (*a*), are the posts in excess of the sanctioned strength of a temporary nature or permanent nature?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I think, Sir, it is both combined.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister be pleased to state if the posts were made permanent without previous sanction being obtained?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Yes, Sir, that is the position.

**Khan Bahadur ATAUR RAHMAN:** Arising out of (*c*), does the Hon'ble Minister mean increasing the number of Deputy Collectors or increasing the number of Sub-Deputy Collectors?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, the idea at present is to increase the number of Deputy Collectors, but if it found that the number of Sub-Deputy Collectors also should be increased, it will be done.

**Khan Bahadur ATAUR RAHMAN:** But, Sir, already there is an increase to the sanctioned strength of 232, so what is the necessity of increasing the cadre more?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, there are many reasons; one of them is that the members of the Bengal Civil Service and not of the Bengal Junior Civil Service are being trained in an increasing number to hold listed posts.

**Mr. HUMAYUN KABIR:** Is it not a fact that members are recruited to the Bengal Civil Service and the Bengal Junior Civil Service as a result of the same examination?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Yes.

**Mr. HUMAYUN KABIR:** In view of this fact, will the Government consider the desirability of increasing the number of Bengal Junior Civil Service rather than the number of Bengal Civil Service?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** As I have already stated, the idea is to try officers of the Bengal Civil Service for listed posts. The difficulty arises at the time of making the selection. It is quite possible that some officers are selected for the lower service and some for the higher service. Some tests are laid down and the persons who are selected for higher posts not merely secure higher marks but there are other considerations which make them more competent than the others and it is for this reason that the cadre of the Bengal Civil Service is proposed to be increased.

**Khan Bahadur ATAUR RAHMAN:** Is not the answer to (*c*) contradictory inasmuch as in one place it is given "The cadre is reducing itself according to plan" and in another place "The question of a further revision of the cadres of the Bengal Civil Service and the Bengal Junior Civil Service with a view to increasing the former is at present under consideration".

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, I do not see how the answer is contradictory. The reduction is being carried out according to plan only in respect of the Bengal Junior Civil Service and the number of Bengal Civil Service is being increased so that we may get men from the Bengal Civil Service to fill in certain listed posts.

**Mr. HUMAYUN KABIR:** Are we to understand then that the Government is changing its policy on the ground of economy to utilise larger number of Bengal Civil Service men for listed posts?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, the difficulty is that there is a fixed ratio between listed posts open to the members of the Bengal Civil Service and the total cadre of the service. That ratio cannot be altered except with the orders of the Secretary of State. Efforts are being made to give greater facilities to the members of the Bengal Civil Service to act in Listed Posts: this is all that I can say at the present moment, Sir.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** With reference to answers (*a*) and (*c*), it appears that the number is being gradually increased from 232 to 252, as in answer (*a*). Then it would appear that the plan has been apparently upset. Will the Hon'ble the Chief Minister be pleased to state for what reasons?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** There is an apparent discrepancy, it is true; but that is explained by the fact that this increase has become necessary in consequence of the demand for these officers owing to the War. I may, however, say that it is only temporary.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble the Chief Minister kindly state why, in that case, the additional posts should not also be of a temporary nature, because the War itself is of a temporary nature?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I am not in a position to explain the facts and circumstances in which this increase in appointment had been made, but I shall look into the question and find out what exactly is the position. If the honourable member desires further

information, then I shall be pleased to give it if he will put down a particular question. His present question I am not in a position to answer now.

## Police Force in Bengal.

**5. Mr. NUR AHMED:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) what are the total number of Police Inspectors, Sub-Inspectors, Sergeants, Assistant Sub-Inspectors, head constables and constables in the subordinate police force in Bengal in 1941;

(*b*) how many out of them, under each head are Moslems and how many are non-Moslems; and

(*c*) what is the percentage of Moslems and non-Moslems under each separate rank?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Statements, which furnish the information required, are laid on the Table.

*Statement referred to in reply to Question No. 5.*

BENGAL POLICE.

**Statement showing the number of Muslims and Non-Muslims in the subordinate police force.**

| Ranks. | Sanctioned number. | Number of officers employed. | | Percentage of officers employed to the total sanctioned number. | | Remarks. |
|---|---|---|---|---|---|---|
| | | Muslims. | Non-Muslims. | Muslims. | Non-Muslims. | |
| Inspectors .. | 297 | 79 | 216 | 26·59 | 72·72 | |
| Sub-Inspectors .. | 1,883 | 729 | 1,136 | 38·71 | 60·32 | Any deficiency in the total percentage is due to unfilled vacancies. |
| Sergeants .. | 48 | .. | 48 | .. | .. | |
| Assistant Sub-Inspectors. | 1,618 | 486 | 1,044 | 30·03 | 64·52 | |
| Head constables .. | 1,119 | 288 | 818 | 25·73 | 73·10 | |
| Constables .. | 20,420 | 6,288 | 13,733 | 30·79 | 67·25 | |

CALCUTTA POLICE.

**Statement showing the total number of Muslims and Non-Muslims in the subordinate Police Force.**

| Ranks. | Total number (sanctioned). | Muslims. | Non-Muslims. | Percentage. | |
|---|---|---|---|---|---|
| | | | | Muslims. | Non-Muslims. |
| Inspectors .. | 56 | 6 | 25 | 19·35 | 80·65 |
| Sub-Inspectors .. | 126 | 51 | 75 | 39·48 | 59·52 |
| Sergeants .. | 208 (2 vacancies). | .. | 206 | .. | .. |
| Assistant Sub-Inspectors .. | 155 | 37 | 118 | 23·87 | 76·13 |
| Head constables .. | 428 | 108 | 320 | 25·23 | 74·77 |
| Constables .. | 4,600 (6 vacancies). | 1,321 | 3,273 | 28·72 | 71·15 |

**Mr. NUR AHMED:** Will the Hon'ble Minister be pleased to state what steps have been taken by Government to fill up the deficiency in the percentage of Moslems in the Police Service?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Efforts are being made to fill up the deficiency and to try and increase the ratio of Moslems in the various branches of the Police Service in accordance with the Government policy laid down for the recruitment of its employees some time ago.

**Khan Bahadur ATAUR RAHMAN:** In the statement against Sergeants their number is noted as 48, but they are all non-Moslems. Does it then mean that these Sergeants are only Hindus and Christians?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Yes, non-Moslems, by which term I mean that they may belong to any community except the Moslem community.

**Khan Bahadur ATAUR RAHMAN:** Do I then have to understand that no Moslem has ever been available for the post of Sergeants?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** If the question is whether Moslems are available for this post, then I certainly say that they must be available.

**Khan Bahadur ATAUR RAHMAN:** In that case, will the Hon'ble Minister kindly state why no Moslem has ever been appointed as Sergeant?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I may say that these appointments are not made by the Minister in the department; they are made by the head of the department. We always try to impress upon the departmental heads the necessity of redressing communal inequalities, as far as possible. Beyond that our powers do not go.

**Mr. HUMAYUN KABIR:** Will the Hon'ble the Chief Minister kindly state if there are any Sergeants in the Police Service in Bengal who are Indians, and not statutory Indians? By Indians I mean Hindus and Mussalmans, not Anglo-Indian or British or Australian subjects. Are there any Sergeants who are Indian in that non-statutory sense?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I am not aware.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Are we then to consider that the Ministers are helpless against their departmental heads?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Not exactly hopeless. We cannot fight our departmental heads; we can give them directions and these directions are generally carried out; and if they do not carry them out, we impress upon them the necessity of doing so.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister be pleased to state if the officers concerned cannot be made to obey the orders of their departmental head?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Government consider that the policy of interfering with the appointment of officers—especially in individual cases—is not proper. We have laid down a policy in regard to the principle of appointing men; but we cannot begin by interfering in individual appointments. If this sort of interference is made, the head of the department will find it extremely difficult to work.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** I am not speaking of individual cases. I am speaking about the principle —whether the ratio of Muslims is being maintained in the case of the appointment of sergeants. At present the number of Muslim Sergeants is nil.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** So far as the appointment of Muslims in the various branches of public service is concerned, there has been a great deal of discontent that efforts were not made to recruit sufficient number of Muslims. In order to give effect to the proportion laid down, Government promulgated certain rules having regard to the widespread desire on the part of the public. Those rules have got the approbation of both Houses of the Legislature and of the general public. In order to ensure that the rules are properly followed, Government have appointed a Special officer. This House can rest assured on one point, at any rate, that so far as the interest of the Muslim community is concerned, the present Government will not budge an inch from the policy which was followed by the previous Government. We will do all that can possibly be done under the rules and in accordance with the policy that has been laid down. We are trying our best to bring up the Muslim ratio of appointments according to the proportion laid down, as quickly as possible. But it cannot be done in a single day. I think it requires years before the Muslims can make up their leeway. I would request the honourable members to wait and see what the present Government does in this respect.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Should not the Hon'ble Minister give a start to the policy laid down and recruit according to the proportion fixed for Muslims so far as the appointment of sergeants goes? The number is now zero.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** It is zero from the beginning, up to now it is zero. It is just possible that suitable Muslims were not found or the previous authorities did not use their discretion properly.

**Mr. HUMAYUN KABIR:** Will the Hon'ble Minister be pleased to state if all these 48 appointments were made before the 17th December last when the present Government took office or after?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** The appointments mentioned in the statement were made by the previous Government and at that time I was not the Home Minister. So I am bearing the brunt of the sins committed by somebody else. (Laughter.)

### Cases of Kidnapping, etc.

**6. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the total number of criminal offences against women in 1940 in Bengal; of these, how many were cases of kidnapping, how many of abduction, how many of rape, etc.?

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(*b*) *Out of these in how many cases the victims and the assailants* were Moslems and in how many cases, non-Moslems?

(*c*) What steps have Government taken to reduce the number of offences against women?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** The information asked for is not readily available and the labour involved is not commensurate with the utility achieved by statistics called for.

**Mr. NUR AHMED:** Will the Hon'ble Minister be pleased to state why no answer has been given to part (*c*) of the question?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** The answer that has been given, applies to both (*a*), (*b*) and (*c*). Steps that have been taken are many and varied and it was felt that the answer given would cover all of them. But I can say this that steps that are taken are, amongst others, the proper investigation of individual cases from information gathered and deterrent punishment given in case of conviction, and attempt is being made to make the people realise that these offences are of a very heinous character and are a disgrace to the society and must be abandoned.

**Security prisoner Sj. Nanda Dulal Sinha.**

**7. Rai Sahib JATINDRA MOHAN SEN (on behalf of Rai Bahadur Manmatha Nath Bose):** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if it is a fact that Sj. Nanda Dulal Sinha, son of Sj. Manmoltan Sinha, of Midnapore, a security prisoner under section 129, Indian Defence Act, now in the Presidency Jail, Calcutta, was and is suffering from duodenal ulcer;

(*b*) if it is a fact that he was in the Medical College Hospital for treatment, and on being X'rayed, 2 ulcers were found close to his stomach, and that he agreed to and applied for operation;

(*c*) if it is true that the said Nanda Dulal Babu was taken suddenly from the said hospital to the Presidency Jail without giving any reason whatsoever; and

(*d*) if it is a fact that Nanda Dulal Babu's father Sj. Manmohan Sinha applied to the Political Secretary, Government of Bengal, for his re-admission into that hospital or any other good hospital in or outside Calcutta, and in case medical relief could not be given, applied for his release?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) and (*c*) No.

(*b*) He was in the Medical College Hospital: X'ray revealed "a deformed tender duodenal cap" but there was no clinical evidence of duodenal ulceration.

(*d*) Yes.

**Rai Sahib JATINDRA MOHAN SEN:** Will the Hon'ble Minister be pleased to state what were the circumstances which led the patient to be taken to the Medical College Hospitals?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I am not aware of it.

**Rai Sahib JATINDRA MOHAN SEN:** Will the Hon'ble Minister be pleased to state the difference between "a deformed tender duodenal cap" and "duodenal ulceration"—for the edification of non-medical men?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** It is too technical for me to answer.

**Rai Sahib JATINDRA MOHAN SEN:** For us, non-medical men, the answer should be such as we can understand it.

**Mr. PRESIDENT:** Order, order. Next question.

## Immersion of images at Dinajpur.

**8. Rai Sahib JATINDRA MOHAN SEN:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether he will please give a summary of the discussions which took place between the Hon'ble the Chief Minister and Sir Manmatha Nath Mukherjee, the President of the Bengal Hindu Mahasabha, on the question of the suspension of the immersion of images at Dinajpur, Mymensingh and Budge Budge, on the 1st and 2nd November, 1941;

(*b*) the circumstances which led Sir Manmatha Nath Mukherjee and the Hon'ble Sir Nazimuddin, the Home Minister, to meet to settle the question of the music before mosques in Bengal; and

(*c*) whether the interpretation of the circular of 1927 as put upon by Sir Manmatha Nath Mukherjee, an ex-Chief Justice of Bengal, was examined by the Advocate-General of Bengal or whether the said interpretation was rejected by the Hon'ble Home Minister without obtaining any legal opinion on the matter?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) I am afraid I do not recollect anything now.

(*b*) The meeting was in pursuance of the late Ministry's desire to reach a settlement of the problem.

(*c*) I understand that at the request of Sir Manmatha his interpretation was submitted by my late colleague for legal opinion.

**Rai Sahib JATINDRA MOHAN SEN:** Arising out of (*d*), will the Hon'ble Minister be pleased to state whether the meeting was held at the instance of the late Minister or at the instance of Sir Manmatha?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I am not sure; I think both.

**Rai Sahib JATINDRA MOHAN SEN:** Arising out of (*c*), will the Hon'ble Minister be pleased to mention the designation of the officer to whom the matter was referred for legal opinion?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I think it was the Advocate-General.

**Sir BIJOY PRASAD SINGH ROY:** Will the Hon'ble Minister be pleased to state whether he is prepared to disclose the opinion of the Advocate-General?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, it is not possible for me to answer that question; but I may consider the suggestion made and I shall answer it some time later.

**Sir BIJOY PRASAD SINGH ROY:** Will the Hon'ble Minister be pleased to state if he is prepared to withdraw that obnoxious circular?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, I do not endorse the adjective used; but as regards the circular, I shall consider what can be done in the matter.

**Mr. HUMAYUN KABIR:** May I know for how long this circular has been in force?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I cannot say that.

**Rai Sahib JATINDRA MOHAN SEN:** Will the Hon'ble Minister be pleased to state if the Ministry is considering the necessity of withdrawing that circular?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, it is a request which I am not in a position to answer straightaway but, as I have said, we are considering the whole question.

**Khan Bahadur NAZIRUDDIN AHMAD:** Was the so-called obnoxious circular issued by the late Ministry of which Sir Bijoy was a member?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Yes.

**Mr. George, I.C.S.**

**9. Mr. BIRENDRA KISHORE ROY CHOUDHURY:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if Mr. George, I.C.S., formerly the District Magistrate of Dacca, is still at Dacca;

(*b*) if so, in which capacity he is working in that district;

(*c*) if the Government are aware of the great distrust entertained by a large section of the people of Dacca as to his fitness to occupy any position of responsibility at the present time at Dacca; and

(*d*) if so, whether they propose to transfer him at once to another district; if not, why not?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, the whole of this question is out of order now as Mr. George has long been transferred.

**Expenditure of the Bengal Legislative Council and Assembly.**

**10. Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state what were the allotments and actual expenditures under each

Major and Minor Heads for the Bengal Legislative Council and the Assembly, respectively, for each of the years 1937-38, 1938-39, 1939-40 and 1940-41?

(*b*) Will the Hon'ble Minister be pleased to state in detail the expenditures of the Bengal Legislative Council and the Assembly, respectively, under the head "Contingency" for each of the years 1937-38, 1938-39, 1939-40 and 1940-41?

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** The required statements are laid in the Library.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister please quote the rule, procedure or circumstances under which the statement has been laid on the Library Table instead of being furnished straight to us?

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** Sir, I do not exactly know the procedure about this but I think it is the general practice that in respect of a long printed answer it is laid on the Library Table.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister please tell us why he preferred that procedure instead of supplying the list straight to us?

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** I shall look into the matter.

*Statement referred to in the answer to question No. 10 of 17th February, 1942.*

STATEMENT I.

*Statement showing allotments (Budget provision) and actual expenditure for the Bengal Legislative Council and the Bengal Legislative Assembly during the years 1937-38 to 1940-41.*

Major Head " 25—General Administration ".

| | 1937-38. | | 1938-39. | | 1939-40. | | 1940-41. | |
|---|---|---|---|---|---|---|---|---|
| | Budget. | Actuals. | Budget. | Actuals. | Budget. | Actuals. | Budget. | Actuals. |
| *Legislative Council.* | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| Pay of officers .. .. | 23,133 | 1,20,083 | 1,63,600 | 1,54,376 | 1,67,800 | 1,66,714 | 1,55,500 | 1,49,137 |
| Pay of establishment .. | 4,371 | 7,989 | 13,300 | 16,627 | 18,540 | 18,383 | 19,600 | 22,647 |
| Allowances, honoraria, etc. .. | 20,094 | 39,174 | 64,100 | 50,575 | 65,600 | 69,118 | 65,800 | 69,424 |
| Contingencies .. .. | 2,636 | 7,870 | 3,600 | 5,373 | 5,600 | 4,915 | 5,200 | 6,005 |
| For rounding .. .. | +266 | .. | +400 | .. | +460 | .. | −100 | .. |
| Total .. | 50,500 | 1,75,116 | 2,45,000 | 2,26,951 | 2,58,000 | 2,59,130 | 2,46,000 | 2,47,213 |
| *Legislative Assembly.* | | | | | | | | |
| Pay of officers .. .. | 43,450 | 4,10,366 | 4,84,000 | 4,82,456 | 4,87,600 | 4,83,408 | 4,86,500 | 4,93,765 |
| Pay of establishment .. | 42,600 | 37,668 | 62,000 | 54,943 | 59,040 | 58,448 | 60,700 | 66,817 |
| Allowances, honoraria, etc. .. | 1,53,100 | 2,32,514 | 5,01,800 | 2,65,284 | 2,76,500 | 3,72,561 | 4,51,600 | 3,69,520 |
| Contingencies .. .. | 25,200 | 43,803 | 39,402 | 42,715 | 37,200 | 40,891 | 41,600 | 52,538 |
| For rounding .. .. | −350 | .. | −202 | .. | −340 | .. | −400 | .. |
| Total .. | 2,64,000 | 7,24,351 | 10,87,000 | 8,45,398 | 8,60,000 | 9,55,308 | 10,40,000 | 9,82,640 |

## STATEMENT II.

*Details of expenditure under the head "Contingency".*

| | Bengal Legislative Council. | | | | Bengal Legislative Assembly. | | | |
|---|---|---|---|---|---|---|---|---|
| | 1937-38. | 1938-39. | 1939-40. | 1940-41. | 1937-38. | 1938-39. | 1939-40. | 1940-41. |
| | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| Postage and telegram charges .. | 150 | 750 | 1,000 | 1,000 | 2,800 | 2,500 | 2,500 | 2,695 |
| Rents, rates and taxes .. | .. | .. | .. | .. | 1,068 | 1,447 | 1,398 | 1,609 |
| Purchase of books, etc. .. | .. | 631 | 429 | 317 | 1,625 | 7,077 | 2,743 | 2,630 |
| Office expenses and miscellaneous | 7,720 | 3,992 | 3,486 | 4,688 | 38,310 | 31,691 | 34,250 | 45,604 |
| Total Contingencies .. | 7,870 | 5,373 | 4,915 | 6,005 | 43,803 | 42,715 | 40,891 | 52,538 |

**Certain appointments in Government Presses.**

**11. Mr. K. C. ROY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state if it is a fact that it is the practice of the Government to appoint in the offices of Superintendent, Deputy Superintendent, Assistant Superintendent, Manager, Assistant Manager, in the Provincial Government Press only those persons who have passed the Printership Examination in England?

(*b*) Is it a fact that many Bengalees, Hindus and Muslims, who have passed the Printership Examination from England, were not taken in any of the abovementioned offices?

(*c*) Is it a fact that recently a duly qualified Bengalee, who had been serving for two years as an Assistant Manager of the Bengal Government Press, who stood first in the Examination of the Public Service Commission, was replaced in September, 1941, by a non-Bengalee who has neither passed the Printership Examination, nor appeared in the Examination of the Public Service Commission?

(*d*) If the reply to parts (*a*) to (*c*) be in the affirmative, will the Hon'ble Minister be pleased to enquire into the matter and take necessary steps?

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** (*a*) and (*b*) Government have no knowledge of the Printership Examination.

(*c*) I presume the honourable member is referring to the appointment recently made to the post of Assistant Superintendent in the Bengal Government Press. The post was created in the first instance on a temporary basis. This post was made permanent with effect from the 1st September, 1941, and the vacancy was reserved under the Communal Ratio Rules for a Muslim.

No domiciliary qualification is prescribed for this post. The person appointed was appointed on the recommendation of the Public Service Commission.

The incumbent of the temporary post, a Hindu, was not eligible.

(*d*) Does not arise.

**Realisation of sales tax.**

**12. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state if it is a fact that many unregistered firms having a yearly turnover of less than ten thousand rupees are realising sales tax?

(*b*) If so, what steps have been taken by the Government to prevent such realisation and appropriation of sales tax, and what are they?

(*c*) Is it a fact that under sections 4 and 5 of the Bengal Finance (Sales) Tax Act, 1941, the dealer is liable to pay the tax?

(*d*) If so, why is the tax being realised from the consumer and under what authority?

(*e*) Do the Government propose to take suitable measures to prevent such realisation of the sales tax by the dealers? If not, why not?

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** The honourable member is referred to the Press Communique, dated the 14th November, 1941, on Sales Tax which fully explains the points raised. A copy of the said Communique is laid in the Library for convenience of reference.

**Ministers' tour to Darjeeling.**

**13. Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) how many times each Minister has gone to and come back from Darjeeling during the years 1940-41 and 1941-42; and

(*b*) how many times each Minister has gone on tour out of the Province of Bengal during the years 1940-41 and 1941-42?

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** A statement is laid in the Library.

*Statement referred to in the answer to Question No. 13 of 17th February, 1942, showing the number of (1) journeys made by Hon'ble Ministers between Calcutta and Darjeeling and (2) tours outside the Province, during the years 1940-41 and 1941-42 (up to 30th November, 1941).*

| | 1940-41. | | 1941-42. | |
|---|---|---|---|---|
| | Journeys between Calcutta and Darjeeling. | Tours outside the Province. | Journeys between Calcutta and Darjeeling. | Tours outside the Province. |
| | | Times. | | Times. |
| Hon'ble Chief Minister— | | | | |
| Calcutta—Darjeeling .. | 4 | 8 | 7 | 4 |
| Darjeeling—Calcutta .. | 4 | | 7 | |
| Hon'ble Minister, Home— | | | | |
| Calcutta—Darjeeling .. | 4 | 8 | 2 | 1 |
| Darjeeling—Calcutta .. | 4 | | 2 | |
| Hon'ble Minister, Revenue— | | | | |
| Calcutta—Darjeeling .. | 5 | 2 | 6 | 1 |
| Darjeeling—Calcutta .. | 5 | | 6 | |
| Hon'ble Minister, Communications and Works— | | | | |
| Calcutta—Darjeeling .. | 5 | 3 | 2 | 2 |
| Darjeeling—Calcutta .. | 5 | | 2 | |
| Hon'ble Minister, Finance, Commerce and Labour— | | | | |
| Calcutta—Darjeeling .. | 6 | 6 | 2 | 4 |
| Darjeeling—Calcutta .. | 6 | | 2 | |
| Hon'ble Minister, Co-operative Credit and Rural Indebtedness— | | | | |
| Calcutta—Darjeeling .. | 7 | Nil | 5 | Nil |
| Darjeeling—Calcutta .. | 7 | | 5 | |
| Hon'ble Minister, Forest and Excise— | | | | |
| Calcutta—Darjeeling .. | 3 | 1 | 5 | Nil |
| Darjeeling—Calcutta .. | 3 | | 5 | |
| Hon'ble Minister, Agriculture and Industries— | | | | |
| Calcutta—Darjeeling .. | 4 | 6 | 5 | 5 |
| Darjeeling—Calcutta .. | 4 | | 5 | |
| Hon'ble Minister, Public Health and Local Self-Government— | | | | |
| Calcutta—Darjeeling .. | 7 | Nil | 6 | Nil |
| Darjeeling—Calcutta .. | 7 | | 6 | |
| Hon'ble Minister, Judicial— | | | | |
| Calcutta—Darjeeling .. | 3 | Nil | 4 | Nil |
| Darjeeling—Calcutta .. | 3 | | 4 | |

**Conference at Darjeeling of District Board Chairmen.**

***17. Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if it is a fact that a conference of the Chairmen of the District Boards was recently held at Darjeeling?

(*b*) If the answer to the above question be in the affirmative, will the Hon'ble Minister be pleased to state under whose orders and with what object the said conference was held?

(*c*) Will the Hon'ble Minister be pleased to state if it is a fact that a resolution has been adopted at the said conference urging upon the Government to postpone election to all local bodies until termination of the war and that the Hon'ble Minister was pleased to announce that he would consider the matter?

(*d*) Will the Hon'ble Minister be pleased to state what is the policy and decision of the Government on the said matter of election?

(*e*) Will the Hon'ble Minister be pleased to state the names of the District Boards, general election to which will be due by the end of March next?

(*f*) Will the Hon'ble Minister be pleased to state if he is aware that public opinion is strongly against any extension of the term of any local body beyond the statutory period?

(*g*) Will the Hon'ble Minister be pleased to state the names of the District Boards in which elections are overdue and also the reasons, if any, for withholding the elections thereof?

(*h*) Will the Hon'ble Minister be pleased to state if Government is willing to take immediate steps for election in those District Boards where election has become overdue? If not, why not?

**MINISTER in charge of the PUBLIC HEALTH AND LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Santosh Kumar Basu):** (*a*) and (*b*) Yes, under the orders of the Minister in charge of the Department of Public Health and Local Self-Government for discussion of certain matters relating to the administration of the district boards.

(*c*) There was no such resolution, but a suggestion to this effect was made by one of the Chairmen and an assurance was given that the matter would be considered by Government.

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*Questions numbering 14 to 16 were postponed as the Hon'ble Minister to whose Department they related did not attend the meeting.

(*d*) Only the elections to local boards, which are due in the near future, have been temporarily suspended pending the final decision of Government, which is likely to be reached soon.

(*e*), (*g*) and (*h*) A statement explaining the position is laid on the table. No orders have been passed for the postponement of the election of any district board.

(*f*) I have no such information.

*Statement referred to in the reply to question No. 17.*

1. Names of District Boards whose elections are due by the end of March, 1942.—(1) Nadia and (2) Murshidabad.

2. Names of District Boards whose elections are overdue.—

(1) *Burdwan.*—The local boards of the district have been recently reconstituted. The district board will be reconstituted after the required number of members has been elected by the local boards.

(2) *Midnapur* and (3) *Hooghly.*—As the elections to local boards in these districts have been postponed pending the final decision of Government, the district board elections cannot take place until the local boards have been reconstituted.

(4) *Noakhali.*—The constituencies of the district board have been delimited by Government and the election is expected to be held shortly.

(5) *Malda*—The election is in progress.

**Khan Sahib ABDUL HAMID CHOWDHURY:** With reference to (*b*), will the Hon'ble Minister be pleased to state what was the important matter relating to the administration of the district boards for which a conference was considered to be necessary?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** I ask for notice.

**Khan Sahib ABDUL HAMID CHOWDHURY:** With reference to (*c*), is the Hon'ble Minister prepared to disclose the name of the Chairman who made that suggestion?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** I ask for notice.

**Khan Sahib ABDUL HAMID CHOWDHURY:** With reference to (*d*), will the Hon'ble Minister be pleased to state when that order for the suspension of election was issued?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** That was issued shortly before the present Government came in office. I can inform the honourable member that since then another decision has been taken to the effect that no general postponement of the elections will be allowed but only individual cases will be considered on their own merits.

**Mr. HUMAYUN KABIR:** Is the Hon'ble Minister aware that in the list of districts in respect of which elections are overdue the name of Faridpur has been omitted?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** I am not aware but I shall look into the matter.

### Rural Water-supply Programme.

**18. Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if it is a fact—

(*i*) that the Director of Public Health has submitted his report for 1939;

(*ii*) that the said report reveals that it is the ambition of the Government to have the Province adequately supplied with drinking water by regular progress within a definite period;

(*iii*) that in the said report reference has been made to the failure of local bodies to maintain and repair sources of water-supply provided by Government grants; and

(*iv*) that in the said report notice has been taken of the failure of some local bodies to show the requisite energy to work out the Government scheme of water-supply?

(*b*) If the answer to the above questions be in the affirmative, will the Hon'ble Minister be pleased to state the names of the local bodies referred to in the report of the Director of Public Health?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** (*a*) (*i*), (*iii*) and (*iv*) Yes.

(*ii*) The Annual Report of the Director of Public Health for the year 1939, does not make any mention of the proposed comprehensive Rural Water-supply Programme but it was referred to in the resolution on the said report published by Government.

(*b*) On enquiry from the Chief Engineer, Public Health Department, it has been ascertained that the arrangements made by most of the District Boards for maintenance of the sources of water-supply

provided by Government are inadequate, and in some cases, e.g., Faridpur, Tippera, Chittagong, Bakarganj, Rangpur and Dinajpur it can be definitely stated that the District Boards are opposed to taking up the responsibility for maintenance unless adequate extra funds are provided.

**Khan Sahib ABDUL HAMID CHOWDHURY:** With reference to (*b*), will the Hon'ble Minister be pleased to state what remedy lies against those Boards which are not taking proper care to maintain the waterworks?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** I may inform the honourable member that Government are taking up the entire question of the maintenance of these sources of water-supply and are also contemplating the appointment of a Special Officer to go into the whole matter, to come into contact with the District Boards concerned and will then lay down the policy which should be adopted in such cases.

**Dr. KUMUD SANKAR RAY:** Will the Hon'ble Minister please state whether the report for the year 1940 is available or ready yet?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** I am sorry I cannot say.

### Medical inspection of pupils of high schools.

**19. Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if it is a fact—

(*i*) that money was allotted for medical inspection of pupils of all high schools in the Province; and

(*ii*) that the said money could not be used?

(*b*) If the answer to the above questions be in the affirmative, will the Hon'ble Minister be pleased to state the amount of allotment which was made as well as the circumstances under which the allotment could not be utilised?

(*c*) Will the Hon'ble Minister be pleased to state if in the report of the Director of Public Health for the year 1939, local bodies have been advised to appoint women vaccinators in the rural areas?

(*d*) If the answer to the above question be in the affirmative, will the Hon'ble Minister be pleased to state what action Government propose to take in giving effect to the said advice?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** (*a*) and (*b*) Previous to 1940-41 a sum of Rs.5,850 was provided in the Education Budget for medical inspection in selected senior madrassas and high schools for boys in connection with the Youth Welfare and Physical Education. This sum was utilised for the purpose. In 1940-41 it was agreed that this scheme should be taken over by the Public Health Department and amalgamated with the proposed School Hygiene Division, and accordingly no provision was made for this scheme in the Education Budget in that year. But when the School Hygiene Division was actually sanctioned in the beginning of 1941, the scheme for medical inspection was not renewed as it was decided to see the working of the School Hygiene Division for some time before the former could be renewed. Accordingly no allotment was made for the scheme last year. The Director of Public Health has submitted a revised scheme for inspection of school children in mufassil municipalities in lieu of the above-mentioned scheme. The scheme of the Director of Public Health is under my consideration.

(*c*) and (*d*) The local bodies were advised by the Director of Public Health in a circular letter in 1939, and not in his report, to appoint female vaccinators in the rural areas. At the instance of the Director of Public Health, a circular letter has also been issued this year by my department to the local bodies impressing upon them the imperative necessity for appointing female vaccinators.

### Kala-azar and malaria in certain parts of Jessore.

**20. Mr. K. C. ROY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if he is aware of the fact that there has been a serious outbreak of malaria and kala-azar in the villages of Shankarpur, Gandharbakhali, Chandibarpur, Rathadanga within the Union Boards of Chandibarpur, and Raghunathpur, Bhatia, Daldidpur, Durgapur within the Union Board of Durgapur, police-station Narail, district Jessore?

(*b*) Is it a fact that the Subdivisional Officer of Narail has been often visiting the affected areas and distributing quinine freely but to no effect?

(*c*) Is it not a fact that the District Board of Jessore and the Government opened a free dispensary for three months in the central place of Shankarpur of Chandibarpur Union Board and that about 200 to 300 patients were treated there daily?

(*d*) If the reply to parts (*a*) to (*c*) be in the affirmative, does the Hon'ble Minister propose to open a temporary dispensary there at Shankarpur, police-station Narail, and save the villagers? If not, why not?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** (*a*) There have been cases of malaria and kala-azar in the areas but the condition is not in any way abnormal nor is it as severe as it was last year.

(*b*) Yes. Quinine is being distributed. I have no information as to the effect, which will be available on Assistant Director of Public Health, Malaria Research's report which I expect soon.

(*c*) No. Last year, only one anti-malaria centre was opened by the District Board. About 125 patients on the average attended daily.

(*d*) The District Board has opened a temporary anti-malaria centre in that area. The Director of Public Health, Bengal, has deputed the Assistant Director of Public Health, Malaria Research, to Narail with a view to ascertain the malaria situation in the subdivision this year. Adequate steps will be taken on his report.

### Malaria in certain parts of Jessore.

**21. Mr. K. C. ROY CHOWDHURY:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) if it is a fact that last year the Government arranged to open a dispensary for three months to cope with the malaria outbreak in the Chandibarpur Union Board and that the dispensary doctor had to attend about 200 to 300 patients daily;

(*b*) if it is a fact that the villagers of the said Union Board sent a petition to the Hon'ble Minister through the Subdivisional Officer of Narail praying for the opening of a permanent dispensary for the malaria-affected inhabitants; and

(*c*) if the reply to parts (*a*) and (*b*) be in the affirmative, whether any action has been taken on the said petition and whether a doctor would be sent there immediately and steps would be taken to open a permanent dispensary there; if not, why not?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** (*a*) The honourable member is referred to the answer given to clause (*c*) of question No. 20 asked by him on the subject.

(*b*) No such petition has been received by me either directly or through the local officers.

(*c*) Does not arise.

**Malaria in Mymensingh.**

**22. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the duties of the Engineering Branch of the Public Health Department;

(*b*) whether there are three Engineers in the Dacca Division;

(*c*) whether they tour about the districts at all or their main duty consists in looking after water-supply and drainage schemes of the Dacca city only;

(*d*) if they were ever deputed to Mymensingh district to find out if the cause of malaria epidemics in the Netrakona and Sadar subdivisions was due to defective drainage owing to railway embankments; and

(*e*) what important schemes the Engineering Department got through during the last three years in the Dacca Division?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** (*a*) The duties of the Engineering Branch of the Public Health Department are (*i*) to prepare on request water-supply, drainage and sewerage schemes of municipal and local bodies, (*ii*) to supervise and control execution of such schemes, (*iii*) to advise Government on all matters relating to public health engineering and (*iv*) to maintain such drainage and water works as desired by Government.

(*b*) No—there are only two permanent Engineers—one Executive Engineer in charge of the Division and one Assistant Engineer in charge of the Dacca City subdivision. The number of temporary Engineers, however, vary according to the number of schemes under examination.

(*c*) The Engineers tour about within the jurisdiction of the Dacca Sanitary Works Division whenever it is necessary in connection with their duties enumerated in my answer to clause (*a*).

(*d*) The Malaria Engineer appointed in 1940 went to Netrakona in March, 1941, to inspect the Magra River Resuscitation Scheme in that subdivision. The malaria epidemic in the subdivisions of Netrakona and Sadar in Mymensingh is not due to defective drainage brought about by railway embankments only but due to other causes as well—namely, deterioration of the Brahmaputra and other rivers in the area and creation of innumerable mosquito-breeding foci in the past and continued excavation at present by the villagers themselves.

(*e*) The Public Health Engineering Department got through the following schemes in the Dacca Division during the last three years:—

(1) Dacca Water Works Improvement Scheme;

(2) South Chandpur New Water Works Scheme;

(3) Mymensingh Water Works Improvement Scheme;

(4) Munshiganj Water-supply Improvement Scheme; and

(5) Comilla Water Works Improvement Scheme.

Besides sketch projects were also prepared during these years in respect of the following schemes:—

(*i*) Sakuni Drainage and Water-supply Scheme;

(*ii*) Maijdi Water-supply and Drainage Scheme;

(*iii*) Chittagong Water Works Remodelling Scheme; and

(*iv*) Narayanganj Water-supply Improvement Scheme.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** With reference to (*d*), will the Hon'ble Minister kindly say what steps have been taken or what steps he proposes to take to remove the defects due to which virulent type of malaria broke out in this area?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Sir, the answer to this question will be somewhat comprehensive and I do not think it would be possible for me to put it into the compass of an answer to a supplementary question.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Is the Hon'ble Minister examining it and does he propose to take it up soon?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Yes.

**23. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** With reference to (*b*), my question was whether Government consulted public opinion: it has not been answered.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** It has been answered by implication that public opinion, apart from the opinion of the Chairmen of District Boards, was not consulted. But I may add in this connection that, as I have already stated in answer to a separate question, Government have decided that there will be no general rule with regard to the postponement of elections but that each individual case will be considered according to its merits.

**Khan Bahadur SAIYED MUAZZAMUDDIN HUSAIN:** Will the Hon'ble Minister be pleased to state what special war efforts are being made?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** That will depend upon each individual District Board. But it is difficult to answer such a question of general character.

**Mr. HUMAYUN KABIR:** Will the Hon'ble Minister be pleased to state if there has been a large number of public meetings, specially in Mymensingh and Faridpur, urging upon the Government to hold District Board elections as early as possible?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** As I have already indicated I am not aware of any public meetings in these two districts but the general decision which has been arrived at is not to postpone elections which ought to take place in due course in order to give the voters an opportunity of electing new representatives; but in individual cases, well, they will be considered on their own merits.

**Mr. PRESIDENT:** The next few questions, which are due to be answered by the Hon'ble Khan Bahadur M. Abdul Karim, will not be taken up to-day. The Chair has been informed that the Hon'ble Minister is indisposed.

Questions from No. 30 will now be taken up.

### Distribution of Khasmahal land in Chittagong.

**30. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if there are large plots of Khas land in Chittagong which are available for distribution among the sailors or seamen or their heirs and dependants, especially for those who have rendered distinguished and meritorious services to the cause of the British Empire, both in this war and in the last war?

(*b*) Is it a fact that there is a great demand for such land on the part of such sailors or seamen or their heirs and dependants?

(*c*) If so, do Government propose to distribute such land among such sailors or seamen or their heirs or relatives? If not, why not?

(*d*) Is the Hon'ble Minister aware that the Government of the Punjab have distributed vast areas of Khas land to the soldiers who have rendered meritorious service in the war?

**MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Pramatha Nath Banerjee):** (*a*) The total area of Khasmahal land available for settlement in the district of Chittagong is 50,501 acres, but the major portion of these lands are covered by hills or jungles or are sandy *chars*, and are scattered throughout the district.

(*b*) No demand has been made.

(*c*) Government have already issued instructions to the effect that applications for settlement of Khasmahal lands from Bengali soldiers who have put in more than six months' active service in connection with the present war—but not those who may have refused to serve with the unit after its embodiment in the Regular Army—and Bengali lascars who may not have served in His Majesty's forces but may nevertheless have been exposed, on the high seas, to the dangers and hardships of war, should be given preference, such settlement being made according to the ordinary terms and conditions of settlement of Khasmahal lands.

(*d*) Government have no information.

## Revisionary settlement in Faridpur.

**31. Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it is a fact—

(*i*) that revisionary settlement is now in progress in Sadar and Goalundo subdivisions of the Faridpur district; and

(*ii*) that there is great economic distress in those areas?

(*b*) If the answer to the above question be in the affirmative, will the Hon'ble Minister be pleased to state what amount has been spent on relief for those areas?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** (*a*) (*i*) Yes.

(*ii*) There was distress in those areas during the months of February to August, 1941, the economic situation has now greatly improved.

(*b*) Rs.3,10,000 as agricultural loans, Rs.1,00,000 on account of test relief and Rs.11,300 on account of gratuitous relief have been distributed in those areas.

**Flood in Alokdia Union Board.**

**32. Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it is a fact that serious damage has been caused to the standing crops by abnormal flood in Alokdia Union Board under Madhupur police-station in Tangail subdivision of the Mymensingh district?

(*b*) If the answer to the above question be in the affirmative, will the Hon'ble Minister be pleased to state what measures Government propose to take in giving relief to the affected area?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** (*a*) The condition of crops in the Union in question was good on the whole.

(*b*) Does not arise.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister be pleased to state what he means by "on the whole"?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** "On the whole" is an expression which means "considering all the facts and circumstances of the case."

**Khan Sahib ABDUL HAMID CHOWDHURY:** In view of the first-hand knowledge which I possess of the Union, will the Hon'ble Minister be pleased to hold an enquiry as regards the truth of this reply?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** Most certainly; I shall be very grateful if the honourable member will see me in this connection.

**Boundary between Mymensingh and Pabna districts.**

**33. Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) if there is a standing circular of the Government directing demarcation of the boundary between two districts divided by a navigable river on the basis of the main channel of the river;

(*ii*) if the river Jumna is a navigable river;

(*iii*) if the said river runs through the district of Mymensingh on one side and the district of Pabna on the other; and

(*iv*) if a vast tract of land lying on the Mymensingh side of the river is still within the civil and criminal jurisdiction of the district of Pabna?

(*b*) If the answer to the above questions be in the affirmative, will the Hon'ble Minister be pleased to state if it is in the contemplation of the Government to take immediate action to re-adjust the boundary between the districts of Pabna and Mymensingh on the basis of the main channel of the river Jumna and revise the jurisdictions of the two districts accordingly? If not, why not?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** (*a*) (*i*) There is no such circular. In notification, dated the 17th September, 1891, however, Government notified that the main stream of the rivers Brahmaputra, Ganges and Meghna under whatever local name that may be called, flowing between or bordering on the districts of the Dacca Division, will be the boundary for administrative purposes between districts on both sides of the rivers.

(*ii*) and (*iii*) Yes.

(*iv*) and (*b*) The matter is under enquiry by the Director of Land Records and Surveys, Bengal, on completion of which the question of re-adjustment of boundary will be considered.

## Agricultural loan.

**34. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the Table a detailed statement showing the amounts of agricultural loans and gratuitous relief given to different districts in Bengal in the years 1938, 1939 and 1940, respectively?

(*b*) Is it a fact that the poor agriculturists in the Cox's Bazar subdivision especially Chakoria, Banskhali, and other thanas of Chittagong are actually starving and that the District Magistrate of Chittagong has published appeal for their relief. If so, have the Government sanctioned any sum by way of gratuitous relief to save the poor people from starvation? If not, why not?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** (*a*) The amounts of agricultural loans advanced and gratuitous relief given in different districts during the years 1938-39, 1939-40 and 1940-41 are noted below:—

AGRICULTURAL LOANS ADVANCED.

| District. | 1938-39. | 1939-40. | 1940-41. |
|---|---|---|---|
| | Rs. | Rs. | Rs. |
| Burdwan .. .. .. | 94,861 | 1,30,547 | 1,11,000 |
| Birbhum .. .. .. | 17,415 | 12,939 | 25,777 |
| Bankura .. .. .. | 9,837 | 3,97,842 | 14,864 |
| Midnapore .. .. .. | 10,194 | 2,88,500 | 1,50,500 |
| Hooghly .. .. .. | 23,000 | 1,43,787 | 20,000 |
| Howrah .. .. .. | .. | 34,000 | 21,250 |
| 24-Parganas .. .. .. | 1,78,201 | 1,44,780 | 1,29,000 |
| Nadia .. .. .. | 2,10,000 | 1,30,525 | 1,000 |
| Murshidabad .. .. .. | 6,61,500 | 1,73,000 | 24,050 |
| Jessore .. .. .. | 4,61,000 | 95,900 | 2,222 |
| Khulna .. .. .. | 3,30,000 | 1,20,850 | 1,39,100 |
| Dacca .. .. .. | 2,98,850 | 95,550 | .. |
| Mymensingh .. .. .. | 2,33,257 | 4,07,992 | 70,000 |
| Faridpur .. .. .. | 6,60,010 | 1,41,100 | 55,606 |
| Bakarganj .. .. .. | 1,20,000 | 73,500 | 11,500 |
| Chittagong .. .. .. | .. | 1,22,250 | .. |
| Tippera .. .. .. | 3,27,217 | 1,17,643 | 17,023 |
| Noakhali .. .. .. | 26,400 | 37,500 | 25,000 |
| Rajshahi .. .. .. | 3,47,000 | 1,63,952 | .. |
| Dinajpur .. .. .. | 97,000 | 8,050 | 2,340 |
| Jalpaiguri .. .. .. | .. | 700 | .. |
| Rangpur .. .. .. | 3,86,000 | 2,03,000 | .. |
| Bogra .. .. .. | 2,02,000 | .. | .. |
| Pabna .. .. .. | 6,46,500 | 2,98,020 | 23,857 |
| Malda .. .. .. | 3,08,377 | 36,388 | 18,000 |
| Darjeeling .. .. . | .. | .. | 11,000 |

GRATUITOUS RELIEF SANCTIONED BY GOVERNMENT.

| District. | 1938-39. | 1939-40. | 1940-41. |
|---|---|---|---|
| | Rs. | Rs. | Rs. |
| Burdwan .. .. .. | .. | 1,200 | 6,300 |
| Birbhum .. .. .. | .. | .. | 1,00,000 |
| Bankura .. .. .. | .. | 14,309 | .. |
| Midnapore .. .. .. | .. | 9,774 | 37,000 |
| Hooghly .. .. .. | .. | 14,500 | .. |
| Howrah .. .. .. | .. | 6,000 | .. |
| 24-Parganas .. .. .. | 14,700 | .. | .. |
| Nadia .. .. .. | 17,000 | 2,950 | .. |
| Murshidabad .. .. .. | 58,432 | 3,435 | 3,000 |
| Jessore .. .. .. | 35,000 | 1,050 | .. |
| Khulna .. .. .. | 45,000 | .. | .. |
| Dacca .. .. .. | 30,195 | 1,100 | .. |
| Mymensingh .. .. .. | 3,000 | 3,350 | .. |
| Faridpur .. .. .. | 30,000 | 4,713 | 100 |
| Bakarganj .. .. .. | 3,000 | 9,915 | .. |
| Chittagong .. . .. | .. | 11,300 | 300 |
| Tippera .. .. .. | .. | 698 | .. |
| Noakhali .. .. .. | 2,550 | .. | .. |
| Rajshahi .. .. .. | 9,957 | 4,538 | .. |
| Dinajpur .. .. .. | 2,902 | 290 | .. |
| Jalpaiguri .. .. .. | .. | .. | .. |
| Rangpur .. .. .. | 15,942 | 2,481 | .. |
| Bogra .. .. .. | 2,000 | .. | .. |
| Pabna .. .. .. | 72,337 | 21,725 | .. |
| Malda .. .. .. | 40,000 | 434 | .. |
| Darjeeling .. .. .. | .. | .. | .. |

(*b*) (1) In the Ramu and Chakaria thanas of Cox's Bazar subdivision distress was caused by the failure of the *aus* crop and floods in June-July which carried away a number of houses. Landless labourers in these areas have been further affected by the prohibition of immigration of unskilled labourers from India to Burma. The situation has been relieved to some extent by the harvest which commenced in the beginning of November. Banskhali thana was not affected at all. Both the *aus* and *aman* crops have been excellent there.

(2) The District Magistrate of Chittagong issued an appeal for a general Relief Fund for the district and not particularly for those areas or for immediate needs.

(3) Agricultural loans and short-term loans were distributed to relieve distress among the cultivators. Rs.70,000 was sanctioned for agricultural loans and Rs.20,000 for short-term loans.

(4) Government also granted some money from the Ram Lal Mukherji's Fund for relief of families whose houses had been destroyed by floods. Free passes for forest produce were issued in all deserving cases where houses had been badly damaged or destroyed. The value of each pass is Rs.25.

**Failure of crops in certain parts of Midnapore.**

**35. Rai Bahadur MANMATHA NATH BOSE:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) if he is aware that there is acute distress in the major portion of thana Sabung within the Sadar subdivision of the district of Midnapore on account of failure of crops for three successive years (including this year) due to flood; and

(*b*) what steps the Government have taken up to this time to relieve the distress.

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** (*a*) As a result of floods in 1939, 1940 and 1941 there was distress in some Unions of Sabung police-station.

(*b*) The following steps were taken to relieve distress:—

In 1939—

Agricultural loans distributed—Rs.15,000.

Gratuitous relief distributed—Rs.800.

In 1940—

Agricultural loans distributed—Rs.11,500.

Gratuitous relief distributed—Rs.500.

In 1941—

Agricultural loans distributed—Rs.12,000.

Gratuitous relief distributed—Rs.2,000.

Further sums of Rs.15,000 and Rs.1,000 will be distributed as agricultural loans and house building grants respectively.

**Khan Bahadur ATAUR RAHMAN:** Has the Hon'ble Minister any idea of the *per capita* amount that will be distributed to the agriculturists out of that Rs. 11,500?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** The *per capita* loan will be inconsiderable in view of the considerable number of loanees.

**Development of Digha.**

**36. Rai Bahadur MANMATHA NATH BOSE:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) if steps are being taken for the development of Digha in the Contai subdivision in the district of Midnapore as a sea-side resort and health sanatorium;

(*b*) if it is a fact that several applications were and have been submitted to the Collector, Midnapore, for taking settlement of lands in that area for construction of houses; and

(*c*) if any estimate has been made of the costs to be incurred?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** (*a*) and (*c*) The scheme is under consideration of Government and no final decision has been reached yet. A copy of the scheme is placed in the Library.

(*b*) Yes.

*Statement referred to in the answer to question No. 36 of 17th February, 1942.*

*Digha Development Scheme.*

Bengal has a sea-board of more than 1,000 miles and yet she has no sea-side resort to cater for her people. The considerations such as the congestion of Puri, the expensiveness of Darjeeling and the unsuitability of the latter place for those whom height does not suit, have at present given rise to a great demand for a suitable sea-side resort in Bengal. There is a further and a more important consideration, *viz.*, the establishment of a sea-side health resort in Bengal will be a patriotic enterprise inasmuch as the people of Bengal will thereby be afforded an opportunity to spend in their own province the money which they are now spending in other provinces for a change of climate.

At the instance of Mr. B. R. Sen, I.C.S., late Collector of Midnapore and present Revenue Secretary, Government have accordingly taken up the question of developing Digha, a village on the sea coast in the Contai subdivision of the district of Midnapore, as a sea-side resort for the people of Bengal. The place, with its extensive sea

beach, offers a very attractive sight and possesses various other advantages of a sea-side resort. At present the place is approachable only by one road, *viz.*, the Contai-Digha Road, the nearest railway station from Calcutta being the Contai Road Station. The distance by this road from Contai Road Station to Digha is only 57 miles. The road has been metalled by the District Board of Midnapore up to a point which is 10 miles from Digha. The District Board is agreeable to metal at its own expense 4 miles of this unmetalled portion, if Government are prepared to bear the cost of metalling the other 6 miles.

The scheme as now prepared is that Government should acquire 526·26 acres of land at Digha and then lease it out in suitable plots after making necessary approach roads. Of 526·26 acres of land to be acquired, 320·83 acres will be available for settlement. The area thus available has been divided into six classes according to situation and other advantages as detailed below:—

| Class. | Area. Acres. |
|---|---|
| 1st ... ... ... ... | 41·37 |
| 2nd ... ... ... ... | 26·27 |
| 3rd ... ... ... ... | 28·11 |
| 4th ... ... ... ... | 24·26 |
| 5th ... ... ... ... | 19·17 |
| 6th ... ... ... ... | 181·65 |

The metalling of the unmetalled portion of the Contai-Digha Road would be an essential preliminary to the execution of the Development Scheme. Provision would also have to be made for water-supply, drainage, sanitation including anti-malarial schemes about which enquiries are now proceeding.

### Flood in Bankura.

**37. Rai Bahadur MANMATHA NATH BOSE:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if he is aware that parts of the district of Bankura have been flooded by the river Damodar and in consequence there has been failure of crop in those parts?

(*b*) Have the Government taken any steps to remedy the distress in the parts affected? If so, what are they?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** (*a*) Owing to heavy rains from 7th to 9th October, 1941, the Damodar overflowed its banks at several places in the district of Bankura. There was some

damage to the standing *aus* crop but the benefit to the growing *aman* crop was far greater than the damage to the *aus*.

(*b*) Yes. A sum of Rs.2,325 was distributed as agricultural loans and Rs.1,200 as gratuitous relief. About 20 maunds of *rabi* seeds were also distributed free.

**Certain appointments in the Howrah Civil Court.**

**38. Mr. KHORSHED ALAM CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state if two appointments in the Upper Division clerks in Howrah Civil Court were filled up by direct recruitment within the last two years?

(*b*) Was there no fit candidate for either of the posts in the district itself?

(*c*) Was any advertisement for the direct recruitment made in any newspapers? If so, in what papers? If not, why not?

(*d*) Were there senior men in the district than the man recruited as head clerk from another office? Had these cases been considered?

(*e*) Were there applications from the Judge's own office for the head clerkship including from the officiating men? If so, were the applications considered?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** (*a*) Yes: one post of head clerk and one post of stenographer.

(*b*) There was no suitable candidate among the Civil Court clerks of the district.

(*c*) In the case of the stenographer advertisements were published in the *Statesman* and the *Amrita Bazar Patrika*. In the case of the head clerk notices inviting candidates were sent to all District Judges and Collectors of the Burdwan and Presidency Divisions.

(*d*) Yes, but not among those who appeared as candidates for the post. The cases of the clerks of the Howrah District Civil Courts who applied for the post were considered.

(*e*) Yes, but not from the officiating men. The applications were considered.

**Nazir of Howrah District Judge's Court.**

**39. Mr. KHORSHED ALAM CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state if the Nazir of the District Judge and a Munsif's Sheristadar in the district of Howrah attained the age of pension?

(*b*) Have they got extensions of service?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** Yes.

**Khan Bahadur ATAUR RAHMAN:** Does the Hon'ble Minister remember that there was a decision of the Legislature that no extension should be granted to Government servants?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** Yes, Sir, but due to emergency war conditions Government is granting certain extension in some deserving cases.

**Khan Bahadur ATAUR RAHMAN:** Sir, may I explain my supplementary question? The Hon'ble Minister has referred to the war emergency condition in regard to the executive officers. I think that does not apply to ministerial officers like the nazirs or sheristadars. So I ask what was the special reason for which these two officers were given extension?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** Sir, I do not know what were the special reasons. Recommendations were made by the district authorities and Government accepted those recommendations. With reference to the war conditions, I think war conditions exist everywhere and the Judicial Officers do not enjoy immunity.

## Work Sircars.

**40. Mr. K. C. ROY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if it is a fact that in reply to question No. 10, dated the 1st August, 1941, the Hon'ble Minister in charge of the Communications and Works Department stated on the floor of this House that a scheme had been framed and was being examined for the betterment of the conditions of the service of the work sircars of the Communications and Works Department for inclusion in the next Budget?

(*b*) If the reply to part (*a*) be in the affirmative, will the Hon'ble Minister now state if the examination of the scheme has been completed and if any final decision has been made? If not, why not?

**MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Mr. Shamsuddin Ahmed):** (*a*) Yes.

(*b*) The scheme is still under examination of Government, and it is hoped that final orders will be passed at an early date.

## Adjournment Motions.

**Mr. PRESIDENT:** Order, order. The Chair has received notices of three motions for adjournment. I shall take them one after another. The first stands in the name of Mr. Nur Ahmed and runs as follows:—

"That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the repressive and oppressive policy of the Government of Bengal towards the Muslim League workers and Muslim students in various districts of Bengal, principally, at Feni, Noakhali, Barisal, Comilla and other places."

**Mr. NUR AHMED:** Sir, I have also sent in a short-notice question on the subject. If the Hon'ble Home Minister agrees to answer it at short notice, then I do not propose to move this adjournment motion.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** If he wants to put in a short-notice question, then I shall be prapared to answer it.

**Mr. NUR AHMED:** Then I don't press my motion, Sir.

**Mr. PRESIDENT:** The next motion for adjournment stands in the name of Alhadj Khan Bahadur Shaikh Muhammad Jan which runs as follows:—

"That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, sudden deterioration in the international situation as a result of which people are scared, trade is dislocated, daily commodities of life are scarce, prices are abnormally high; and the failure of the Government to defer provisions of the Sales Tax Act which has added misery and hardship of the mass."

The Chair takes it that the honourable member knows that adjournment motions can only be moved on subjects for which the Ministers may be held to be responsible. Will he explain how the Ministers are responsible for the International situation which has brought about this depression in trade, etc.?

**Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN:** Sir, I do not want to impress on this House, much less upon the Government, the sudden deterioration in the International situation brought about by the fall of Singapore which was regarded as impregnable by three-fourths of the population of the world and this has brought India to the verge of——

**Mr. PRESIDENT:** Order, order. A notice of adjournment will not entitle the honourable member to make a speech on it at this stage. For that purpose the honourable member may give due notice of a resolution. I rule his motion out of order.

**Mr. PRESIDENT:** The third motion for adjournment stands in the name of Mr. Kamini Kumar Dutta, which is as follows:—

"That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the conditions under which Mr. Sarat Chandra Bose, M.L.A., is being detained in Trichinopoly Jail, are unsatisfactory, highly prejudicial to his health and incompatible with his ordinary mode of life."

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, may I point out that first of all, the honourable member should make out as to how the Provincial Government is responsible for this matter.

**Mr. PRESIDENT:** Yes, Mr. Kamini Kumar Dutta.

**Mr. KAMINI KUMAR DUTTA:** Sir, so far as I have been able to ascertain from the facts leading to the detention of Mr. Sarat Chandra Bose, it appears that by an order dated the 11th December, 1941, the Governor of Bengal, in exercise of the powers conferred on him by clause (*d*) of sub-rule (*i*) and sub-rule (*v*), Rule 26 of the Defence of India Act, was pleased to direct that he should be detained in the Presidency Jail, Calcutta, until further orders. But on the 18th December, 1941, another order was served on Mr. Bose at the instance of the Central Government under which they retained to themselves the power of decision about the period of detention only; but the power of determining from time to time the place in which and the conditions under which Mr. Bose may be detained was delegated absolutely to the Provincial Government.

Further, it was definitely laid down in that order that those powers will be exercisable by the Provincial Government of Bengal. Mr. Bose is now being detained in the Trichinopoly Jail under the second order which may be split up into two parts. One part relates to the period of detention which is entirely at the discretion of the Central Government. But as to the conditions under which Mr. Bose is to be detained and the place where he is to be detained,—this matter has been delegated to the Provincial Government of Bengal. Sir, it would also appear that under sub-clause (*4*) of section 2 of the Defence of India Act, the Central Government may by order direct that any power or duty which under sub-section (*1*) is conferred or imposed upon the Central Government shall in such circumstances and under such

conditions, if any, may be specified in the direction be exercised or discharged (*a*) by any officer or authority subordinate to the Central Government, or (*b*) whether or not the power or duty relates to a matter with respect to which a Provincial Legislature has power to make laws, by any Provincial Government or by any officer or authority subordinate to such Government, or (*c*) by any other authority. Now, Sir, under rule 26 of the Defence of India Act, 1939, both the Central Government and the Provincial Government can pass an order of detention on anybody. In this particular case, the order of detention was passed by the Central Government. But the Central Government did delegate to the Bengal Provincial Government its power as to the conditions under which Mr. Bose is to be detained and the place where he is to be detained, only retaining to themselves the power to determine the period of such detention. The Central Government is quite competent to make such delegation under section 2, sub-clause (*4*) of the Defence of India Act. So, so far as the order is concerned, it is very clear that Mr. Sarat Chandra Bose has been detained under the orders of the Central Government. But the conditions of his detention and the place where he may be detained are to be decided by the Provincial Government by virtue of the powers delegated to them. So, it is clearly a matter which is within the jurisdiction of the Provincial Government of Bengal. My adjournment motion does not refer to the order of detention but it refers only to the conditions under which Mr. Sarat Chandra Bose is being detained. So, I submit that my motion is absolutely in order. It is a matter which directly concerns the Provincial Government of Bengal and the Provincial Government alone. I may mention in this connection one fact. Very recently two Hon'ble Ministers had been to Trichinopoly to see Mr. Bose inside the jail. They had an opportunity of studying the situation personally and of ascertaining the views of Mr. Bose in regard to the conditions imposed on him. Certain information has reached us which has really caused apprehension in the minds of the people of Bengal. I may bring this to the notice of the members of this House and after I state these facts, if the Hon'ble Ministers—especially the Hon'ble Ministers who had been to Trichinopoly,—make a suitable reply, I may not press my adjournment motion. Now, Sir, with your permission, I may very briefly state the facts.

Sir, though the condition of life to which Mr. Bose had been accustomed and his social status are well-known to the Ministers and to the Government, the astounding information has come to us that Mr. Bose has been sanctioned an allowance of 9 annas only for his meals per day.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** On a point of order. At present the only question to be considered is whether the adjournment

motion is to be admitted or not. If it is admitted, certainly the details will be discussed. At this stage, discussion of the details will be absolutely unnecessary.

**Mr. PRESIDENT:** Order, order. The contention of the Hon'ble Home Minister is correct. But I thought that the Hon'ble Minister would not press the question about the jurisdiction of this House at this stage. The question about the *vires* of the Legislature has already been raised by Khan Bahadur Naziruddin Ahmad and a reply on that point has been given by Mr. Kamini Kumar Dutta. I have not given my ruling on the point, as I felt that it might not be necessary when Mr. Dutta expressed the view that if he got adequate replies to his queries, the adjournment motion might not be pressed by him. If, however, the Hon'ble Home Minister desires me to give my ruling on the point of jurisdiction, he may argue the point.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I am prepared to reply to the questions that may be put by Mr. Dutta.

**Mr. PRESIDENT:** So, you may now briefly put your questions, Mr. Dutta.

**Mr. KAMINI KUMAR DUTTA:** In a few words, I may put my questions and after hearing the replies to them it may not be at all necessary for me to press the adjournment motion. First of all, I said that the meagre allowance sanctioned is 9 annas per day for his meals. Now, in order to augment that paltry allowance Mrs. S. C. Bose had remitted some amount of money in order to enable him to procure the ordinary necessaries of life to maintain his health and that amount under the rules was placed in deposit with the jail authorities there. But it is really a matter for regret that even in this respect restriction has been imposed as to the amount that may be withdrawn from this deposit, with the result that Mr. Bose cannot spend more than Rs. 10 per month even from his own private funds.

**Mr. PRESIDENT:** Rupees 10 during a whole month?

**Mr. KAMINI KUMAR DUTTA:** Yes, Sir. It is really beyond the comprehension of anybody as to why a gentleman of Mr. Bose's position should not be given the liberty even to maintain his own life and that with the aid of his own money. Even ordinary convict-prisoners who are placed in class I are given the opportunity of augmenting the allowance sanctioned to them with their private funds. But Mr. Bose is not a convict; he is a Security prisoner. Now, another most strange thing is that Mr. Bose has been kept in solitary confinement, a mode of punishment which is very rarely enforced.

**Mr. PRESIDENT:** Order, order. The honourable member should frame his statement in the form of questions, so that he may get definite replies thereto.

**Mr. KAMINI KUMAR DUTTA:** I only wanted to bring to the notice of the Government that Mr. Bose has been kept in solitary confinement and that he is not allowed to talk with anybody else.

**Mr. PRESIDENT:** Your first question appeared to the Chair to be: that Mr. Bose is allowed only 9 annas a day for his subsistence and further that he cannot draw from his own money in deposit with the jail authorities exceeding Rs. 10 a month. The third point is about his solitary confinement. Similarly, you may put the other points also in the form of questions.

**Mr. KAMINI KUMAR DUTTA:** The fourth is that he had no cook until recently. I understand recently a cook was supplied to him but he does not know how to cook Bengali dishes. The result is that Mr. Bose has, of late, been suffering from an attack of dysentery.

Then, there is the restriction imposed as to the number of letters received by him and letters written by him. It has been ordered that he can receive 4 letters per week and can write 2 per week and further——

**Mr. PRESIDENT:** Are not these letters censored?

**Mr. KAMINI KUMAR DUTTA:** Yes, Sir, all the letters he writes are censored but in spite of strict censorship there is a limitation imposed upon him as to the number of letters he receives and writes. Then, again, the climate there, is extremely hot for him to bear.

**Mr. PRESIDENT:** Order, order. I am sorry to interrupt the honourable member. He has been allowed the concession to put questions and get answers thereto from Government. So, he is only to put definite questions.

**Mr. KAMINI KUMAR DUTTA:** Sir, Mr. Bose had communicated his views to the Hon'ble Ministers who recently met him in the Trichinopoly Jail that under the circumstances he had no other alternative but to go on hunger-strike. But I understand that on account of the persuasion of the Hon'ble Ministers, the idea of hunger-strike was deferred by Mr. Bose for the present. Then there is another matter—about his repatriation to a place nearer to Calcutta where his invalid wife might visit him without any risk to her own life. These are the matters, Sir, on which I want information.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, one thing remains unnoticed and it is that the Provincial Government has been delegated certain powers under which Mr. Sarat Chandra Bose's place of detention may be selected.

**Mr. PRESIDENT:** Yes, the Chair was ready to give a ruling on that point and I wanted to hear the Home Minister on this point. In the meantime there was a suggestion made by Mr. Kamini Kumar Dutta that if he gets a proper reply to his queries, he would not press the adjournment motion even if it is held to be in order. So, Mr. Dutta was allowed to put those questions. The Home Minister may now argue the point raised about jurisdiction or answer the questions, if he so likes.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, I wish to say a few words regarding the question of jurisdiction, or, in other words, the competency of this House to discuss a motion like the one now before the House.

Sir, apart from the rules made under the Act, it is obvious that if any action is taken against any person, part of which is under orders of the Central Government and part of which is under orders of the Provincial Government, I submit most respectfully that even in such cases it is beyond the jurisdiction of this House inasmuch as some parts of the orders are within the jurisdiction of the Central Government. Now, in this particular case the facts really are that the present Bengal Government were not responsible for any orders that have been passed on Mr. Sarat Chandra Bose regarding his arrest and detention. It is true that in some cases the Central Government may delegate and does delegate some of its powers to the Provincial Government. That does not, however, mean that the inherent right of the Central Government to pass orders is entirely taken away. It means only this that while the Central Government can pass an order, it is also permissible to the Provincial Government to pass an order of that kind.

In the case of Mr. Bose his order of detention was under the orders of the Government of India and this is admitted. And I can also tell the House that the order of removing him from Bengal to Madras was not made by the Local Government at all. That also is a fact known to the House. Whoever may have made the order, it was not the Local Government. Therefore, I submit that neither for the original order of detention nor for the order for his removal from Bengal to Madras can this Government be held responsible, because the Local Government did not pass those orders. Now, Sir, after the order of removal from Calcutta to Madras was passed,—I came to know of this order only half an hour before Mr. Bose was actually removed from Calcutta,—we tried to have an interview with Mr. Bose in order to find out his wishes in certain particulars. After he was removed, the Council of

Ministers submitted a representation to the Central Government pointing out certain essential matters and the Central Government after consideration has sent us a reply on some points while saying that other points are still under their consideration. I may tell the House that two of my colleagues, the Hon'ble Nawab Bahadur of Dacca and Mr. Santosh Kumar Basu undertook a journey to Trichinopoly where Mr. Bose is now detained, in order to find out from him exactly how he was feeling, what he wanted and what were the things which specially struck him as deserving of consideration by the Provincial Government. I may tell the House that in some respects the Government of India have modified their previous orders. The additional allowance of rupees ten per mensem from his own funds that was originally fixed has been raised to rupees forty and some of us—I have not yet had an opportunity of discussing this matter with my colleague in the Cabinet—feel that this is a matter on which we might again go up to the Central Government for an increase of this portion of allowance to be received by Mr. Bose from his own funds. As regards solitary confinement, the position is that he is there alone and except for persons who can go to him, it is not possible for him to associate with other persons. To that extent it may be said that he is in solitary confinement, but that is not the spirit of the order that has been passed against him. The cook is inefficient and we are taking steps to bring him back and send a more serviceable cook. As regards his letters, namely, that he can write two and receive four, this is covered by the jail regulations and it is for that reason that this restriction has been imposed. As regards his going on hunger-strike, I am glad to be able to tell the House that Mr. Bose has not expressed any desire of this kind. At any rate, there is no apprehension of his going on hunger-strike. The interview between him and two of my colleagues has been satisfactory, although much more remains to be done. Mr. Bose is not dissatisfied with the manner in which we have tried to give him facilities in his confinement. As regards other matters, namely, repatriation, I would ask my friend not to press the question, because if I make a statement now it might prejudice the case. I can, however, give him an assurance that the Council of Ministers are all extremely anxious that the matter should be settled in a manner which will allay public excitement and anxiety and also not put any difficulty either in the way of the Provincial Government or the Central Government.

I think, Sir, that we are entitled to the sympathy of the House in our efforts to draw the attention of the Central Government, the Provincial Government and every one concerned that Mr. Bose should be treated in a proper manner and that the period of his detention should be terminated as speedily as possible. I hope that in view of this assurance and in view of the fact that two of our colleagues took a journey all the way to Madras in order to find out the actual position from first-hand enquiry, the House will appreciate that we are not

lacking in our effort to bring the period of Mr. Bose's detention to a speedy termination. I hope in these circumstances, that the honourable member will not press his motion.

**Rai Sahib JATINDRA MOHAN SEN:** Sir, the Hon'ble Chief Minister has not said anything about the statement that Mr. Bose has been granted annas nine as dietary allowance.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Sir, I am glad to have this opportunity of making the position clear, at least as much as possible within the limits of the Government of India Rules by which we were bound down in the matter of obtaining interview with Mr. Bose. It is well known that under the relevant rule it is not open to those who are granted interviews to make a statement in detail as to what took place in course of the interview and what they have gathered from the interview. I hope the honourable members will realise my difficulty and the limits under which I am obliged to take part in the proceedings to-day. At the same time, the honourable leader of the Congress Party who has tabled this adjournment motion knows that all the details of the information, and at least most of it, have been gathered in consequence of the interview. I do not know what his source of information is, but I think his information is substantially correct. Now that the question has been raised by the honourable leader of the Congress Party, in order to clear up any misapprehension I ought to make a statement although the rules would not ordinarily permit me to make any statement. Now that a statement has been made on the other side, it is just as well, and it is probably better, that I should clear up any haziness.

It is quite true, Sir, that under the rules an allowance of annas nine per day for meals is provided. It is also true that he was allowed under the previous orders of the Government of India only Rs. 10 per month to augment his dietary allowance from his private funds. But as the Hon'ble Chief Minister has made it quite clear, this Rs. 10 has been substantially increased and he actually mentioned the figure. So far as the present arrangements for his meals are concerned, he is now on hospital diet. When subsequently I met the District Officer of Trichinopoly at a special function, I had occasion to raise that question and he assured me that during his last visit to the jail he ascertained that the food he was getting at that moment was hospital diet and it was not confined within the limit of annas nine per day.

We also ascertained from Mr. Bose that he was on hospital diet because, as most of his friends know, he is a confirmed diabetic and it is by rigid application of diet regulations that he has been successful to a certain extent in keeping down his ailment. At the same time, it is quite clear that hospital diet cannot be obtained as a matter of

right. Only so long as such diet is prescribed by the medical authorities that it will be available to him. What he can get as a matter of right is 9 annas per day augmented by the further amount about which we have just heard on the floor of this House. Now I am not in a position to say whether this nine annas, plus Rs. 40 per month if it is spent upon augmentation of the diet allowance, will be adequate for his purpose. Those who are well acquainted with his status in life and of the amount that he would ordinarily require for his food per day can be in a better position to say whether this nine annas plus this one rupee and a few annas per day would be adequate or not. Now, as regards the money which has been remitted by his family and which is now in deposit in jail, I am not in a position to say anything because Mr. Bose made very small complaints about himself. In fact, his first statement was that "I do not worry about creature comforts" and when later I had the opportunity of meeting one of the highest officials of the Madras Government, who very kindly called upon me and discussed the matter, he said that Mr. Bose is a prisoner who does not make a nuisance of himself. He is respectable every inch of him even as a prisoner and as such he has not made any complaints with regard to his comforts. On the other hand, from what I gathered he was in extremely cordial relations with the Jail authorities who had the highest opinion about his conduct.

Now, as regards the question of solitary confinement the question has been raised in a form by the honourable member which carries some impression which should not be justified in this case. Undoubtedly, he is solitary there. Undoubtedly, he is lonely because there is not a soul, probably outside the jail staff with whom he can meet on common ground, or exchange conversion. That is true. It certainly can be considered solitary detention.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Is he allowed to read newspapers?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** I do not know if there is any restriction on that score because he does get newspapers and he reads them and he made some references to the newspaper articles also in course of our conversation.

Now, as regards the number of letters it is true that he can write two letters and can receive four and it is also true that a number of letters are still waiting in the jail office for delivery. Now, that was also a question about which I discussed with the official whom I have referred. He has also one or two other petty inconveniences which he referred to and those are also matters upon which I had a discussion. I do not know whether the Madras Rules will provide for any improvement in the situation. If they do, then I hope and trust some improvement will be brought about.

Then, it is undoubtedly true that Trichinapoly is a hot place and it is getting warmer and warmer and in the interest of the health of a patient who had been suffering from diabetes for years past, Trichinapoly is certainly not a place where he should be confined.

Then there is another question which has been referred to, namely, the question of threatened hunger-strike. So far as our interview was concerned, he did not refer to any intention to go on hunger-strike, but at the same time, I must make it clear that the way in which his food arrangement is managed does not inspire any hope that he will continue to get good food or that he will continue to have charge of his own kitchen for some time to come. If he refuses to have charge of his own kitchen, I do not know what other arrangement can be made there. In any event, when we parted we were definitely of the opinion that he was not going to take any hasty action which might jeopardise his health and will certainly give us time to deal with the matter.

Now, as regards his repatriation to a better place either in Bengal or outside, as has been already stated by the Chief Minister, the present Cabinet of Bengal are not lacking in their efforts. They have already made a representation collectively to the Government of India and they have used whatever little influence they might have upon the individual Members of the Government of India for the purpose of pressing their representation for consideration. The latest reply that has come to their representation and which has just been referred to by the Chief Minister, contains a clause, I understand, with regard to Mr. Sarat Chandra Bose's family allowance; it also refers to certain amenities which have also been mentioned by the Chief Minister. So far as the question of his repatriation or transfer to a better place or a place nearer to Calcutta is concerned, even if there is no ray of hope forthcoming, yet we can assure the honourable members that the Council of Ministers will carry on their untiring efforts to secure his repatriation to Bengal. We are fully alive to our difficulties. The difficulties are all the greater because Mr. Bose is a prisoner of the Government of India and we are handicapped by that fact. Had he been a prisoner of the Government of Bengal, we could improve things more quickly. But so far as the Government of Bengal is concerned, I might invite the honourable members' attention to section 26 of the Government of India Act which provides that the Provincial Governments shall be bound to carry out any orders which the Government of India may promulgate and direct them to carry out. That provision is insisted upon because the Government of India have no agency of their own to carry out their own orders in the provinces excepting through the Provincial Governments themselves. That is the constitutional position which has enabled the Government of India to direct the Government of Bengal, not the Council of Ministers,—because they did not

know till the last hour of his removal from Calcutta and this may be verified—to carry on their function in this province. This was done without the slightest reference to any Minister at all. It was by mere accident that the Hon'ble the Chief Minister came to know about the proposed removal of Mr. Bose only half an hour before the actual removal took place. The Chief Minister ran to the Alipore Jail and got himself in touch with the Secretary to the Governor who at once informed him that it was the Home Member of the Government of India with whom he should communicate; but the latter was not found over the 'phone when the time for departure of M.. Bose actually arrived.

That, Sir, is the position with regard to the Government of Bengal. I am thankful for the opportunity which has been given to me by this adjournment motion of making the position clear. We have attempted to bring about an improvement in the situation and we shall continue our efforts in that direction. The Hon'ble the Chief Minister has said that the sooner the detention of Mr. Bose is terminated, the better will it be for everybody concerned in Bengal, because we ourselves have no right to assume that he is guilty, unless so declared by a competent court and it is from that point of view that we shall continue our efforts for his release, repatriation and improvement of amenities in regard to his living.

**Mr. KAMINI KUMAR DUTTA:** Sir, may I ask him one question?

**Mr. PRESIDENT:** Order, order. After the elaborate and candid statement made by the Hon'ble the Home Minister and the Hon'ble Mr. Basu, does Mr. Kamini Kumar Dutta still desire to press his motion for adjournment? If so, then I shall be obliged to give my ruling on the point of jurisdiction.

**Mr. KAMINI KUMAR DUTTA:** Sir, I am very thankful for the statements that have come from the Hon'ble the Chief Minister and Mr. Basu, and I should be more thankful if Hon'ble Mr. Basu will be pleased to answer two more questions by way of clarification.

**Mr. PRESIDENT:** Order, order. That can be done through a short-notice question. I have already given the honourable member sufficient latitude in view of the strong feeling of the House in the matter; but that is not the ordinary procedure. I suggest that his object will be served equally well by putting a short-notice question.

**Mr. LALIT CHANDRA DAS:** I have already tabled a short-notice question on the subject, Sir.

**Mr. PRESIDENT:** Will there be any difficulty in answering a short-notice question on this subject? (To the Hon'ble the Home Minister).

**The Hon'ble Mr. A. K. FAZLUL HUQ:** No, Sir, there will not be any difficulty.

**Mr. KAMINI KUMAR DUTTA:** In that case, I do not want to press my motion.

### Panel of Chairmen.

**Mr. PRESIDENT:** Under rule 6 of the Bengal Legislative Council Procedure Rules, I nominate—

(1) Mr. Kamini Kumar Dutta,

(2) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur,

(3) Mr. J. B. Ross, and

(4) Maulana Muhammad Akrum Khan,

on the Panel of Chairmen for the current session.

### House Committee.

**Mr. PRESIDENT:** Under rule 122 of the Bengal Legislative Council Procedure Rules, I nominate—

The Deputy President (Chairman, *ex-officio*),

Begum Hamida Momin,

Mr. T. B. Nimmo,

Mr. Dhirendra Lal Barua,

Rai Radhica Bhusan Roy Bahadur,

Mr. Kanai Lal Goswami, and

Mr. Moazzemali Chowdhury,

on the House Committee for the current session.

### Budget Estimates for the year 1942-43.

**Mr. PRESIDENT:** The Hon'ble Finance Minister will now present the Budget Estimates of the Government of Bengal for the year 1942-43.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** Sir, I rise to present to the Bengal Legislative Council the Budget Estimates for the year 1942-43. These estimates were presented to the Assembly yesterday, and in the statement which I made on that occasion, I reviewed in considerable detail the general financial position of the Province as well as the salient features of our Budget proposals for the coming year. For the convenience of honourable members and in accordance with the practice copies of the statement will, with your permission, be made available to them. It will not be necessary for me in these circumstances to tax their patience by traversing the same grounds once again. I shall accordingly confine myself to a brief analysis of our budgetary prospects and provisions.

It has fallen to me to present my first Budget to this House at a time when swift and dramatic changes in the world situation tend to invest budgetary forecasts both of Revenue and of Expenditure with more than their customary element of uncertainty. The revenues of an agricultural province like Bengal are particularly sensitive to economic fluctuations. The world at large which supplies the export markets for our principal money crop—jute—is in constant change and disturbance. Transport facilities, already somewhat restricted, have shrunk further as a result of Japan's entry into the War. Owing to this shrinkage, the shares and prospective shares of the Province in the jute export duty have considerably declined. The risk of over-production and accumulation of unwanted stock has been thereby intensified. As the House is aware, the economic life of our Province depends largely upon the price of jute and any fluctuation in the price of this commodity is reflected in our receipts from Land Revenue, Registration, and Stamps. Our forecasts under these heads are based on the assumption that the action which is being taken to stabilise the price of jute will meet with a substantial measure of success.

On the expenditure side we are no longer in that happy position in which Government was free to draw up its programme of national reconstruction unhampered by the pressure of extraneous events. Twelve months ago, when the Budget for the current year was placed before the House, the late Finance Minister expressed the hope that, given the additional revenue for which the Legislature had been approached, Government would be able to embark on "an ever-increasing scale of expenditure on nation-building subjects." With a growing realisation, however, of the dangers which threaten the civil population in the total war which is now being waged, it soon became manifest that nation-building work must yield precedence to the task of preserving and protecting the nation from the effects of hostile activities.

The principal danger to the civil population which arises from the ruthless methods of modern warfare is that from raids by hostile aircraft. This danger has been greatly enhanced in the case of Bengal by her proximity to the eastern theatre of war. The Constitution gives us no control or responsibility in regard to active defence against air raids such as the provision of anti-aircraft guns, searchlight batteries, and pursuit aircraft. But passive measures of protection fall largely within the provincial field. Thus, arrangements have to be made for medical assistance to casualties, the carrying on of essential services, the maintenance of food and water-supply and the putting out of fires caused by incendiary bombs. All these involve considerable expansion of the normal functions of Government, and expenditure far beyond the resources of the province is required for the purpose. There could be no scope under these circumstances for expenditure on nation-building subjects which it was at one time hoped to finance with the proceeds of new taxation. Indeed, it would have been impossible for us to take up the various measures of air raid precautions with the details of which honourable members must I think be already familiar, had it not been for a generous measure of assistance from the Centre.

I need not take up the time of the House by a narration of the stages through which a settlement of the respective quotas of the Centre and of this province was finally achieved. It will suffice if I set forth the main points of the Agreement as finally concluded. According to this Agreement the allocation of expenditure on Civil Defence measures between the Centre and the Procince will be as follows:—

(1) The expenditure of each financial year will be treated separately.

(2) The expenditure of each year will be divided into slabs.

(3) The first slab will be borne entirely by the Province. It will normally be fixed at approximately 4 per cent. of the effective Provincial Revenue.

(4) As a special case this wholly provincial slab, which amounts roughly to 50 lakhs for this Province, will be reduced to 25 lakhs for the current year and 37½ lakhs for 1942-43.

(5) The second slab will be one of 50 lakhs and will be shared equally between the Centre and the Province.

(6) The third slab will also be of 50 lakhs and will be allocated between the Centre and the Province in the proportion of 75 per cent. to 25 per cent.

(7) In regard to expenditure about this point, only 12½ per cent. will be borne by the Province and the balance by the Centre.

(8) As it will not be possible for Bengal to meet its share of the pooled expenditure out of current revenues, the Centre will make interest-free advances, repayable over a period of five years.

An idea of the financial assistance which the Province is going to derive from the Agreement will be obtained from the fact that although the estimated expenditure on Civil Defence measures included in the Budget for the coming year is no less than 4 crores, the provincial share of this will not greatly exceed 1 crore.

Let me now turn to the details of the Budget.

It is estimated that the coming year will start with an opening balance of 1 crore and 15 lakhs. This, however, includes 1 crore and 75 lakhs of borrowed money, out of which 1 crore represents the proceeds of treasury bills, which it is estimated will have to be issued early in March next; and 75 lakhs is an advance from the Government of India in respect of the provincial share of Civil Defence expenditure in the current year. In point of fact, therefore, our effective opening balance is a negative figure of 60 lakhs.

The Revenue Receipts in the coming year have been placed at 15 crores and 70 lakhs, Revenue Expenditure at 16 crores and 75 lakhs. There is thus a deficit in Revenue Account of 1 crore and 5 lakhs.

The closing balance is estimated at 79 lakhs only. This, too, is built up with borrowed money. Out of the advance of 75 lakhs from the Government of India for financing the provincial share of Civil Defence expenditure in the current year one-fifty will be repaid in 1942-43, leaving 60 lakhs of the loan for future repayment. A further advance of 1 crore and 25 lakhs will be required for the same purpose in the coming year. The total amount of borrowed money in our hands at the close of 1942-43 will thus be 1 crore and 85 lakhs. This means that our effective closing balance is a negative figure of 1 crore and 6 lakhs.

On the Receipt side there are three items which appear to call for a few explanatory observations. The first of these relates to our receipts from the export duty on jute. I have already referred in general terms to the decline under this head which is due to the restriction of transport facilities as a result of the War. The magnitude of this decline is indeed very considerable. In the last pre-autonomy year when the provincial share of the export duty was only 50 per cent., our receipts amounted to a crore and 90 lakhs. As against this, our receipts in the coming year at the enhanced percentage of sixty-two and a half are estimated at a crore and 25 lakhs only.

On the other hand there has been an unexpected improvement in our receipts from Income-tax which, on present information, are placed at a crore and 71 lakhs in the coming year against 83 lakhs in 1940-41

and a crore and 45 lakhs in the current year. The rapid growth of revenue under this head is due to expansion of industrial activities as a result of the war. Welcome as the improvement is to us, it would have been doubly so had it come on a genuine current of industrial prosperity instead of being linked with the ravages of a destructive War.

The last item of Receipt which calls for individual mention is that from the proceeds of the three new taxation measures, namely, the Sales Tax, the Tax on Motor Spirit and the Raw Jute Sales Tax. It is estimated that with trade conditions more or less as they are at present the Sales Tax will bring in a crore in the coming year. The yield from the Raw Jute Taxation is estimated at 37 lakhs and that from the Tax on Motor Spirit at 5 lakhs only. The total revenue from new taxation is thus expected to be a crore and 42 lakhs.

On the Expenditure side, the Budget includes, as I have already stated, schemes of Civil Defence estimated to cost a little over 4 crores. Out of this the net expenditure debitable to provincial revenue is 1 crore and 25 lakhs. Full details of the items of Civil Defence for which provision has been made have been set forth in the Red Book which has been circulated to honourable members. It will be observed that about 2 crores will be required for payment to the personnel of various A. R. P. Services. The balance is accounted for by several other measures, such as the construction of shelters, the relief of persons rendered homeless by air attacks, fire-fighting organizations, rescue and demolition services, and increased hospital accommodation for air-raid casualties in vulnerable areas.

It will be realised that the magnitude of this expenditure precludes the possibility of undertaking any large schemes of new expenditure under the other heads of the Budget. Provision has, however, been made for a few items of special importance and urgency among which the following deserve individual mention.

The Education Budget includes an additional provision of 5 lakhs for the improvement of primary education over and above and provision in the current year's Budget. A sum of one lakh and a half has been provided for replenishing the Scheduled Castes Education Fund. A lump provision of 1 lakh has been included for the promotion of communal harmony which is urgently necessary alike for the welfare of the Province and the successful prosecution of War efforts. Two lakhs have been provided for the establishment of a much-needed Home for Indian seamen in Calcutta. A provision of three lakhs and three quarters has been made in the Industries Budget for the purchase of quinine from outside. This step is necessary in order that adequate supplies may be available for the free distribution of quinine by the Public Health Department. The Loans Budget contains a provision of 2 lakhs for the scheme of removal of beggars from Calcutta; 7 lakhs

for financing Land Mortgage Banks and 1 lakh for the excavation of tanks under the Bengal Tanks Improvement Act. There is also a special grant made for the Tuberculosis Hospital at Jadavpur.

Before I conclude, may I make some general observations. We have come into office at one of the most critical periods in the history of this country. We, belonging to different communities and political parties have agreed, in spite of the differences that once separated us, to stand on a common platform for advancing the welfare of the great province to which we owe our deep allegiance. We felt greatly perturbed by reason of the communal bitterness that had spread its malign influence throughout the province during the last five years. We believe genuinely that we can solve our national problems not by merely emphasising our differences but by frankly recognising their existence, seeing each other's point of view in a spirit of sympathetic understanding and removing by our deeds and not words, the root causes of mutual distrust and suspicion.

Preservation of internal peace and communal harmony is imperative at all times. It is more so at a critical period like the present when we stand face to face before a war the like of which the world has not witnessed. So long as the present Ministry will be in office, it will be its honest endeavour to uphold a just and strong administration seeking to advance national prosperity by a proper and adequate adjustment between apparently conflicting claims and interests. To-day local disputes and differences must shrink into the background in the presence of the graver danger that threatens our very existence. All those who are anxious to see India attain that freedom which is her birth-right, maintaining her integrity in the fullest measure, must be asking themselves how best they can serve India at this hour of our trial. The powers that we enjoy under the Constitution are limited in character and are ill-suited to meet the demands of the present situation. This province has, however, formulated schemes of Civil Defence, the success of which depends entirely on popular support. There are other problems vitally affecting the economic stability and internal security of the province in a period of emergency which are already engaging the serious attention of Government. The Ministry confidently asks for the active sympathy and co-operation of all sections of the people, irrespective of race, community and political creed. It is not by means of Civil Defence alone that we can hope to save ourselves. That undaunted spirit of calmness and courage, maintained in spite of the heaviest odds, comes from a combination of both military and civil defence measures representing the best efforts of the nation. We have every reason to believe the Bengalees can give a good account of themselves as members of an all-comprehensive national army involving the display of leadership and tact, of tenacity and bravery. If the call comes in the right spirit at this hour of peril, the response is bound to be worthy of the occasion. I confidently ask for active sympathy and

support from this House, and I sincerely hope that the observations which members may make will abound in constructive suggestions indicating in a precise and definite manner their view-point, not only on the steps we have already taken but also on those that we should take so as to enable Bengal to play her part worthily and bravely in this hour of unprecedented crisis.

### Presentation of demands for excess expenditure in 1939-40.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** Sir, I beg to present to the Bengal Legislative Council the demand in respect of expenditure incurred in excess of Grants and Appropriations in 1939-40. Excess expenditure occurred under three heads, namely, Registration, Ports and Pilotage and Education. The matter has been considered by the Public Accounts Committee. Reasons of these excesses have been set forth fully in the Memorandum which will shortly be submitted. I need not take up the time of the House in giving further detail.

Sir, I also——

**Mr. KAMINI KUMAR DUTTA:** On a point of information, Sir. Sir, I want to know whether any member from this Council was taken on the Public Accounts Committee. I was not myself present when it was settled in the last session that a member of this Council should be present in that Committee.

**Mr. PRESIDENT:** Order, order. Let the Finance Minister first present the Finance Accounts.

### Presentation of the Finance Accounts for 1940-41.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** Sir, in partial compliance with section 169 of the Government of India Act, I beg to present the Finance Accounts of 1940-41 and the Audit Report of 1940-41. The Appropriation Accounts for 1940-41 and the Audit Report thereon is unfortunately not yet available. The Auditor-General has intimated that the certificate of audit of the amount of the transaction of Government of Bengal has not yet been received from the Home Auditor-General in England. So, it is not possible for me to present the report. The publication will, however, be laid before this House after it is received from the Auditor-General.

**Mr. PRESIDENT:** I may inform Mr. Dutta that the proper time for raising the objection about the Public Accounts Committee will be when the Hon'ble Finance Minister would present the Appropriation Accounts.

What about laying the amendments to the Bengal Motor Vehicles Rules?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** I am sorry the Hon'ble Minister in charge is not present in the Chamber now.

**Mr. PRESIDENT:** Then I adjourn the House till 2-15 p.m. to-morrow, the 18th February.

## Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 18th February, 1942.

**Members absent.**

The following members were absent from the meeting held on the 17th February, 1942:—

(1) Mr. Kader Baksh.
(2) Rai Bahadur Manmatha Nath Bose.
(3) Mr. Narendra Chandra Datta.
(4) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(5) Mr. Mohamed Hossain.
(6) Khan Bahadur Syed Muhammad Ghaziul Huq.
(7) Khan Bahadur Muhammad Asaf Khan.
(8) Mr. W. B. G. Laidlaw.
(9) Dr. Radha Kumud Mookerjea.
(10) Khan Bahadur Kazi Abdur Rashid.
(11) Khan Bahadur M. Shamsuzzoha.
(12) Raja Bhupendra Narayan Sinha Bahadur.

B. G. Press—1941-42—12537A—750.

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session—No. 2.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 18th February, 1942, at 2-15 p.m., being the second day of the first Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

## Welcome to Their Excellencies Generalissimo Chiang Kai-Shek and Madame Chiang Kai-Shek.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Mr. President, the House is well aware that Their Excellencies Marshal Chiang Kai-Shek and Madame Chiang Kai-Shek are in Calcutta to-day on their way back to the Far Eastern Asia. It is only meet and proper that the Council should extend their most cordial welcome to Their Excellencies on the occasion of their visit to this province. Accordingly, I move a resolution which I hope will be unanimously accepted by the House.

The resolution runs thus—

> This Council extends its most cordial welcome to Their Excellencies Generalissimo Chiang Kai-Shek and Madame Chiang Kai-Shek on the occasion of their visit to this Province.

Sir, the Marshal is an outstanding personality in the modern world and it must be within the recollection of the students of International history that he put up a lone and sturdy fight against that ruthless nation, the Japanese. We know as a matter of fact that China is our ally in our war with Japan. Therefore, in view of our relation—I should say our pre-historic relations—with China, it is only meet and proper that every one of us should support a resolution like this. The Marshal is well-known to all and it is not necessary for me to recapitulate the services done by him to China and also towards the cause of freedom of the world from aggression. With these words, I commend my resolution to the acceptance of the House.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Sir, I fully associate myself with every word that has fallen from the lips of the Hon'ble Leader of the House in moving the resolution under consideration. It is our great delight and proud privilege to have this opportunity to extend our hearty and cordial welcome to Their Excellencies Madame Chiang Kai-Shek and the Generalissimo of China on this happy occasion of their historic visit to this city of ours. Harbingers of a new faith and ambassador of Chinese culture and civilisation, we welcome them in our midst.

The history of China during the last decade is but the story of the manifold activities and outstanding services rendered by these two greatest leaders of the Chinese nation. His Excellency the Generalissimo has successfully organised the resistance of the free and brave Chinese nation to the relentless onslaughts of Japanese aggression. A true disciple of Dr. San Yat Sen, it is he who kept alight the torch of freedom against a very powerful and well-prepared enemy. In all his achievements—glorious and noble—the personal contribution of Her Excellency is also very great indeed. The noble Madame has been a living inspiration to the Chinese nation—nay, to the whole world. We have read with delight and admiration how frequently the Lady has exposed herself to the great dangers of war by accompanying her husband on his campaigns.

We are really proud of the great honour done to this city of ours by the august visit of the Marshal and his noble consort which, we hope, will strengthen our century-old bond of intellectual and cultural fellowship. Our national poet Rabindra Nath was the first to raise his voice of protest against the criminal Japanese onslaught on the world's most ancient civilisation and culture. The sincerest prayer of this noblest sage of India will not, I hope, go in vain. Let us hope much will come out of this gracious and timely visit of China's leader.

I think, Sir, I voice the feelings of the entire House when I say that every one of us prays sincerely and fervently that this memorable visit will culminate in results to be recorded in golden letters in the future history of world's freedom and culture. With these words, Sir, I lend by whole-hearted support to the resolution moved so ably by the Hon'ble Leader of the House.

**Mr. HUMAYUN KABIR:** Mr. President, Sir, I beg to associate myself with the resolution which has been moved by the Hon'ble Leader of this House. It is a very critical moment in the history of the world when Generalissimo Chiang Kai-Shek and Madame Chiang Kai-Shek visit this country and their visit has a special significance, not only in the present context of time where we find ourselves, but

also for this unfortunate country which we inhabit. For, General Chiang Kai-Shek and Madame Chiang Kai-Shek and Chinese people have during the course of the last five years shown what can be done by a people—an aroused people—if there is the consciousness of a resurgence of life, if there is the realisation of the values for which they fight. I think it was Madame Chiang Kai-Shek who in a speech a few days ago stated that when China started her war some five years ago, the Chinese fought with bare hands and bare flesh. That was all the armament that they could offer against the attack, as recent history has demonstrated beyond the shadow of any doubt, of one of the most powerful nations of the world. Yet, Sir, in spite of the absence of ammunitions or weapons, in spite of the absence of adequate support from those nations which profess to fight for democracy and freedom, in spite of lack of effective help from any other power, China almost single-handed opposed what history will perhaps recognise as the mightiest military power in the world to-day. Not only was China not helped, but in very many cases the instruments of war were supplied to the aggressors by powers who realise their mistake too late to-day. Therefore, Sir, the presence of the General and Madame Chiang Kai-Shek to-day in India is an augury of good so far as this country is concerned, and I hope, Sir, an augury of good so far as the British and Indian relations also are concerned. There is no doubt to-day that China and England are fighting side by side as Allies in a cause whose victory might very well see the liberation of mankind. We are also hoping that this visit of the General and Madame Chiang Kai-Shek will synchronise with a similar transformation in the relations between India and England. So long we were reading of wars in newspapers but to-day this country has been faced with the grim reality of war. Our country also can fight, as the people of China have fought for the last five years, if we have similar cause to uphold. We also can fight with that indomitable spirit which has enabled the Chinese people to resist the onslaughts of the mightiest military machine of the world. I have no doubt, Sir, that if to-day a free India becomes the ally of a free England and fights like an ally and not as an appendage of the British Empire, here also the invaders will meet with the same resistance that they have met in China and in Russia. Unfortunately, neither England nor India is free to-day. One is burdened by the weight of its Empire while the other is crushed down under political and economic bondage. That is why neither England nor India has fought as they can, and as Russians and Chinese, and even the Americans are fighting to-day. We shall have to fight in any case if our country is invaded but we can fight with single-hearted devotion only as a free nation in this turning point of history. As one of the Ambassadors of Hope of the future of mankind, I would welcome on behalf of this House General Chiang Kai-Shek and Madame Chiang Kai-Shek to this country of ours.

**Mr. KAMINI KUMAR DUTTA:** Sir, on my behalf and on behalf of the Congress Party in this House, I associate myself whole-heartedly with the resolution moved by the honourable Leader of the House extending a cordial welcome to Their Excellencies General Chiang Kai-Shek and Madame Chiang Kai Shek on the occasion of their visit to this country. The relation between India and China had existed from very ancient time. This is not the first time when visits have been exchanged between the representatives of Indian and Chinese culture and good-will. However, Sir, I need not dilate on this matter now.

Sir, recent experiences of Russia and China have demonstrated the fact that a total war can be successfully resisted only when the people come to regard it as a People's war. Mercenary soldiers cannot resist a total war. It is only when a nation fights for its existence as a free people that the enemy can look forward to a desperate resistance. This is the lesson we get from China. The august visit of Marshal Chiang Kai-Shek to this country will not have been in vain if our British rulers would bear this great truth in mind and modify their policy accordingly.

**Mr. NUR AHMED:** Mr. President, Sir, I whole-heartedly associate myself with the resolution so ably moved by the honourable Leader of the House. Sir, a great man in history, nay, one of the greatest patriots of the world has come to this historic city of Calcutta. China, with which India has got an ancient relation, China, which is the cradle of ancient civilization, China, whose relation with this unfortunate country is very old and historic, the President of that great Republic has come in our midst with a message of inspiration which shows how a nation can be united under an able and inspired leader and saved from the ruthless oppression of a deadly antagonist. When Japan, without formally declaring war invaded China, she was a disunited nation and this great man appealed to the civilized world for help and succour but his appeal was ignored because all the powers which have now been condemning Japan were then practically supporting Japan's aggression upon China. In that hour of her great danger, in that supreme moment of despair, this great man stood alone before the Chinese nation, and after a hard struggle of 5 years, what do we find? We find that a great China has come into being, and a great nation has sprung into life under the inspiration of this great leader and is fighting one of the most mighty enemies for over 5 years. This struggle on her part has inspired us with a hope for the future of this unfortunate country, for we are fighting now just as China did in the beginning as a disunited nation. We are disunited even when this country, specially Bengal, is nearing the great war; it is a great pity that we should still be disunited when the war is knocking at our very door. We most sincerely welcome this great hero whose bravery

has inspired the Chinese nation and has taught the world the lesson of how a nation can fight single-handed, however great the odds may be against it. I feel myself to be very proud to welcome so great a man in our midst. With these few words, I whole-heartedly support the resolution moved by the honourable Leader of the House.

**Sir BIJOY PRASAD SINGH ROY:** Sir, it is a proud privilege of Bengal to welcome His Excellency Marshal Chiang Kai-Shek and Madame to our province. The Marshal represents in himself the spirit of liberty. At the present moment, India along with the rest of the British Empire is engaged in a grim struggle. China has been fighting for her liberty for the last five years and she has demonstrated successfully what a determined nation can do to protect her freedom. I hope the presence of these honoured guests will inspire the different parties in India with the same spirit of unity as we find in China to-day and will inspire the British Government with a wider vision so that they may agree to invest India with the same power that has enabled China to defend her liberty, and we can stand together and fight together for a cause to which we are all wedded. With these words, I associate myself whole-heartedly with the resolution moved by the honourable Leader of the House.

**Mr. J. B. ROSS:** Mr. President, Sir, on behalf of the European Party I desire to associate myself whole-heartedly with the resolution of welcome to Marshal Chiang Kai-Shek and his good wife to this province.

**Mr. PRESIDENT:** The question before the House is: that this Council extends its most cordial welcome to Their Excellencies Generalissimo Chiang Kai-Shek and Madame Chiang Kai-Shek on the occasion of their visit to this province.

(The resolution was agreed to.)

## QUESTIONS AND ANSWERS

### Repairs to school buildings.

**24. Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) if a deputation of the representatives of the District School Boards has waited upon him recently at Darjeeling; and

(*ii*) if the said deputation has urged the modification of the rules restricting expenditure on repair to the school buildings?

(*b*) If the answer to the above question be in the affirmative, will the Hon'ble Minister be pleased to state the decision of the Government on the point urged by the deputationists?

**MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Abdul Karim):** (*a*) Yes.

(*b*) The District School Boards have been allowed to spend up to 2 per cent. of their income on repairs to buildings of primary schools.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister be pleased to state if by two per cent. of the total income, he means the total allotment under the head "Civil Works" or the total income of the Board?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** The total income of the Board.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister be pleased to state what modification of the previous Government order has been made by allowing this two per cent. to be spent on repairs?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I am not prepared to answer this question just now and I ask for notice.

## Quarters for Sub-Registrars.

**25. Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if there are any sub-registry offices where there are no quarters for the Sub-Registrars or their staff?

(*b*) If the answer to the above question be in the affirmative, will the Hon'ble Minister be pleased to state the names of such sub-registry offices?

(*c*) Will the Hon'ble Minister be pleased to state the views of the Government in the matter?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** (*a*) Yes.

(*b*) The names are not readily available. The number of sub-registry offices where there are quarters is 32 out of the total number of 391 offices.

(*c*) Government recognise the necessity to build quarters for Sub-Registrars. Lack of funds has been and still is the difficulty.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister be pleased to state who arranges for quarters of the Sub-Registrars and their staff where there is no Government quarters and who pays the house rent?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I have not been able to go through the papers yet and I ask for notice.

### Midnapore College.

**26. Rai Sahib JATINDRA MOHAN SEN (on behalf of Rai Bahadur Manmatha Nath Bose):** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state what is the date on which the opinion of the Legal Remembrancer regarding the Midnapore College was given, wherein he held that the college should be treated as a Government college and financed accordingly?

(*b*) Will the Hon'ble Minister be pleased to lay the opinion of the Legal Remembrancer on the Table of the House?

(*c*) When do the Government propose to give effect to the recommendations of the Legal Remembrancer?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** (*a*) 20th November, 1930.

(*b*) The opinion of the Law Officer of Government is not usually made public.

(*c*) The matter still awaits the final decision of Government.

### A.C. and D.C. Systems of Electricity in Calcutta.

**27. Rai Sahib JATINDRA MOHAN SEN (on behalf of Raja Bhupendra Narayan Sinha Bahadur):** Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*a*) what is the area under the A.C. system of electric energy in Calcutta;

(*b*) what is the area under the A.C. system in the Calcutta suburbs;

(*c*) what is the area under the D.C. system in Calcutta;

(*d*) what is the area under the D.C. system in the Calcutta suburbs;

(*e*) what is the average expense per unit of the Calcutta Electric Supply Company for the A.C. current;

(*f*) what is the average expense per unit of the company for the D.C. current;

(*g*) what is the estimated cost that will be required if the A.C. system is to be converted into the D.C. system in the Ballygunge area, where the A.C. system exists; and

(*h*) what is the net income and also the net profit of the company in each of the years 1938, 1939 and 1940?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** (*a*) to (*d*) The area in Calcutta and suburbs within the following boundaries is supplied with D.C. system of electric energy. The area supplied with electrical energy by the Calcutta Electric Supply Corporation, Limited, outside this area are under A.C. system of supply:—

Commencing at the east bank of the river Hooghly in the Baranagar district along north side of Koofighat Street to the junction of Victoria Road; east side of Victoria Road to the junction with Kashi Nath Dutta Street; along North side of Kashi Nath Dutta Street, east side Barrackpore Trunk Road, Pran Krishna Mookerjee Road, New Canal Road, Canal East Road, Narkeldanga Road, Raja Rajendro Lal Mitter Road, Bahir Sura Road, Sura 1st Lane, Sura East Road, Rashmoni Bagan Road, crossing Beliaghata Canal, Kulia Tangra 3rd Lane, Chingrighata Lane, Tangra Road for a distance of 374 yards westwards from the junction with Chingrighata Lane, then proceeding southwards Gobra Road North, South Road Entally, Phulbagan Road, Hook Lane, Beniapukur Road, Crematorium Street, Jamnagar Road, Jhautala Road, Chamru Ostagar Lane, Nurulla Doctor's Lane, Nazarali Lane, Ahiripukur 1st Lane, Ahiripukur Road, Ballygunge Store Road, through Bodyguard Lines, Ballygunge Circular Road, Hazra Road, Russa Road South, Eastern Bengal Railway Line, Diamond Harbour Road, Ekbalpore Lane, Bhukaylash South Road, then crossing Boat Dock, East side of Docks Nos. 1 and 2, Tidal Basin to Hooghly River.

*Howrah.*—Starting from West bank River Hooghly, Joya Bibi's Lane, Chundalpara Lane, Hooghly Road (from Naskurpara Lane), Malle Panchghora, East Indian Railway Line, Benares Road, Belgachia Road, Luckin Chakurbuty Lane, Kaulapokur Lane, Bantra Road, Kalli Chand Nondy Lane, Circular Road, Chowdrypara Lane, Brojo Nath Lahiry's Lane, Baura Road, Circular Road, Curres Road, Dane Chake Lane, Government Botanical Gardens, Foreshore Road, River Hooghly.

(*e*) and (*f*) Figures showing the average expense of supplying A.C. and D.C., respectively, are not maintained and it is not possible to calculate the expense from the statutory accounts of the Company.

(*g*) The estimated cost to change the A.C. system in the Ballygunge area to D.C. cannot be furnished without considerable expense and labour which it is considered desirable to avoid in the present emergency.

(*h*) The terms "net income" and "net profit" are not clear. Complete sets of accounts of the Corporation for 1938, 1939 and 1940 are however placed on the Library Table for the information of the honourable member.

**Low wages of labourers.**

**28. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*a*) if he is aware that the prices of foodstuffs have gone up by more than 50 per cent. and those of cloths by 75 per cent.;

(*b*) if he is aware that the wages of labourers (particularly of agricultural labourers) are not showing any signs of increase;

(*c*) if he is aware of the distressed condition of the labour population as a result of such high prices; and

(*d*) if he proposes to take any steps to alleviate their sufferings?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** (*a*) Yes, the prices of both foodstuffs and cloths have gone up, but so far as foodstuffs are concerned, the rise in prices is more than 50 per cent. only in respect of a few commodities.

(*b*) I have no reliable information regarding the wages of agricultural labourers but so far as industrial labour is concerned, increase in basic wages or additional allowances in the shape of dearness allowances, etc. have been granted to workers in many important industrial undertakings and public utility concerns.

(*c*) No. I do not think that the condition of industrial labour in general is really very distressing.

(*d*) *Vide* reply to parts (*b*) and (*c*) above.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** With reference to (*a*) will the Hon'ble Minister kindly state what has been the percentage of increase in respect of rice?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Rice or paddy? The difference between the rise in the price of rice and that of the rise in the price of paddy is not much comparatively. I think rice has gone up, by what they call, the index figure of 122, that is to say, the increase in price is between 20 and 22 per cent. That is my present information. I am reviewing the whole question and it would be better if the honourable member will put this question again on some future occasion.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister kindly also enquire in the moffusil as to the rate of wages of the agricultural labourers in that connection if I put a fresh question?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I may enquire to that extent but my Department tells me that it would be a very difficult and protracted process. If the honourable member will insist on having that, I may make an attempt to get that figure also.

**Khan Bahadur ATAUR RAHMAN:** Are the rises in prices of the articles sold by the agriculturists and purchased by the agriculturists —I mean articles like cloth, etc.—in parity or is there a vast divergence between the two?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** My present information is that the price of rice has gone down and the price of cloth has gone up. I shall soon make a statement—an exhaustive statement—about the whole position of the prices of different commodities.

**Increase in price of daily necessaries.**

**29. Mr. BIRENDRA KISHORE ROY CHOWDHURY:** Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*a*) if the Government is aware of the fact that the price of daily necessaries, particularly of rice and coal, has increased 100 per cent. in this Province since June last; and

(*b*) if so, what steps, if any, has the Government taken for lowering the price of these necessaries?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** (*a*) The price of most of the necessaries of life has increased but the increase is seldom 100 per cent. The average price of rice now is 53 per cent. higher than that on the 1st September, 1939: that is the basic price according to which we prepared our indexes; the price of coal rose more than 100 per cent. but it has now come down.

(*b*) The rise in prices is mostly due to economic causes over which Government have no control. Government are, however, taking all possible steps to check undue rise in prices.

**Mr. BIRENDRA KISHORE ROY CHOWDHURY:** Is the Government aware of the fact that there are different prices in coal markets over different parts of Calcutta. Somewhere the price is double than that of 6 months ago?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I am not aware of that but I will make an enquiry on the line suggested.

**Khan Bahadur NAZIRUDDIN AHMAD:** Will the Hon'ble Minister be pleased to indicate the directions in which steps are being taken to control the prices?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I have a complete note submitted to me, partly from the Government of India and partly from the Bengal Government. Unfortunately, I am unable to-day to enlighten the honourable member on the point, but I hope to be able to do that in future.

**Maulvi ABUL QUASEM:** Will the Hon'ble Minister be pleased to state what the Government consider to be undue rise in prices and what actual steps are being taken to check the same?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** The whole thing is under my consideration; it has been partly done and there is something remaining to be considered. I hope to place the whole position before the House soon.

**Maulvi ABUL QUASEM:** I am sorry, Sir, the Hon'ble Minister has not answered my question. I ask, what, according to Government, is undue rise in prices. This is a very grave matter of public interest and——

**Mr. PRESIDENT:** Order, order. Please put one question at a time so that you can get proper replies.

**Maulvi ABUL QUASEM:** All right, Sir. What Government considers to be undue rise in prices at the present time?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** By undue rise in prices we understand prices which are not justified by the existing condition.

**Maulvi ABUL QUASEM:** Do the Government realise that the present conditions do not justify this rise? Do they know that those conditions which might justify this rise in prices do not exist now? Do they realise that, are they conscious of that?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** All sorts of conditions must be taken into consideration.

**Maulvi ABUL QUASEM:** For instance?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** For instance, take the case of wheat. There is plenty of wheat in the Punjab but the difficulty is the shortage of wagon. We cannot bring wheat from the Punjab and necessarily there is inflation in the price of wheat in Bengal. Here we have got only about a week's consumption. This is one of the conditions which has brought about a rise in the price of wheat.

**Maulvi ABUL QUASEM:** Then——

**Mr. PRESIDENT:** Well, that cannot be allowed in a supplementary question: you are now arguing your point which is not allowed under our rules.

**Maulvi ABUL QUASEM:** Then I put another question. What is the actual step in the contemplation of Government to check this, what is called by Government an undue rise in prices?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Taking all possible steps. This much I can say positively.

**Maulvi ABUL QUASEM:** Then, is the mind of Government totally blank in this respect?

(No reply.)

**Excise shops.**

**41. Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state the number of excise shops of each class, district by district, and the number of Caste Hindu, Scheduled Caste and Muslim vendors of each class of shops, district by district?

(*b*) Will the Hon'ble Minister be pleased to state if any circular has been issued by the Government directing favourable consideration of the cases of candidates of the Scheduled Castes in the matter of settlement of excise shops?

(*c*) If the answer to the above be in the affirmative, will the Hon'ble Minister be pleased to state if similar direction has been given for the candidates coming from the Muslim community? If not, why not?

**MINISTER in charge of the FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Upendra Nath Burman):** (*a*) The statistics would not prove to be of value commensurate with the labour involved in collection.

(*b*) and (*c*) No special instructions have been issued to give favourable consideration exclusively to candidates of the Scheduled Castes but a general circular has been issued to give special consideration to the claims of all the minority communities when the representation of such communities in excise shops is disproportionately small.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister be pleased to state what he means by the term "minority communities"? Which are the minority communities in Bengal?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** I am not quite definite about the implications of the circular which had been issued by the previous Government. My department has, however, taken it to mean the Scheduled Castes as well as the Mussalman community——

**Khan Sahib ABDUL HAMID CHOWDHURY:** Scheduled Castes as well as the Muslims as a minority community?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** My department has taken it in that light.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister be pleased to state on what basis he considers the Muslim community as a minority community?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** Well, I have already said that my department probably understood it in this way. In a district where the number of Muslim excise shops were disproportionately small, the Muslims were taken as a minority community. That might be a reason, but I am not quite sure.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister please state if he is in a position to deny that the claims of the majority community in Bengal have been ignored in the matter of the settlement of excise shops?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** Does the honourable member refer to the past or to the present?

**Khan Sahib ABDUL HAMID CHOWDHURY:** Well, up till now.

**The Hon'ble Mr. UPENDRA NATH BURMAN:** So far as the past is concerned, I may state this much that before the circular was issued, no consideration was paid to the point as to whether a shop was being leased out to a Hindu or to a Muhammadan or to any other community; nor was any list kept, community by community, of the issue of licenses. Such lists are, however, being kept now.

**Khan Sahib ABDUL HAMID CHOWDHURY:** In view of this reply of the Hon'ble Minister, will he be pleased to state if he accepts responsibility for the circular or not?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** I am examining the question afresh.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister please state if he has come to reply to this question without knowing what he is replying to?

(No reply.)

**Mr. AMULYADHONE ROY:** Does the Hon'ble Minister mean that a list is being kept now under the present Ministry?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** Yes. Lists of new licenses that are being issued are being kept together with the name of the communities to which they are issued.

**Khan Bahadur ATAUR RAHMAN:** Sir, I should like to invoke the protection of the Chair in the matter of our right to put questions. In regard to this particular question, the Hon'ble Minister replies in (*a*) that "statistics would not prove to be of value commensurate with the labour involved in collection". These very statistics were given in reply to one question of mine by the previous Minister and I think it will be found in the proceedings of the House. So, I would only point out that this sort of reply is nothing but evading the real point. May we have a ruling on this point from the Chair? Putting of questions is really a valued privilege of the members of this House. I would, therefore, request you, Sir, to give us a ruling on this point.

**Mr. PRESIDENT:** The matter of putting questions is certainly a privilege of the House. But I am afraid the Chair is not in a position to direct what kind of reply Government should make. If the answers are unsatisfactory, in proper cases motions for the adjournment of the House or even motions of no-confidence against the Ministers concerned are allowed; these are the well-known remedies that may be resorted to by the members of the House in extreme cases.

**Excise officer in charge of a district.**

**42. Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state what is the policy of the Government in determining whether a Superintendent or an Inspector of Excise should hold charge of a district?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) if it is a fact that Mymensingh is the biggest district in the Province;

(*ii*) if in the past a Superintendent of Excise has all along been placed in charge of the same district; and

(*iii*) if an Inspector of Excise has lately been put in charge of the said district?

(*c*) If the answer to the above question be in the affirmative, will the Hon'ble Minister be pleased to state why an Inspector has been placed in charge of Excise administration of such a big district?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) what is the normal period for which a Superintendent or an Inspector is generally allowed to continue in the same station; and

(*ii*) how long the present incumbent at Mymensingh is carrying on there?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** (*a*) The districts which are considered more important from the point of view of Excise administration are placed in charge of Superintendents as far as possible. But strict observance of this policy has not been possible as the cadre of Superintendents now consists of 15 officers only and there is no leave reserve in that cadre. Government have recently decided to increase the cadre of Superintendents and abolish the posts of Inspectors-in-charge in order to do away with the anomalous system of placing some districts in charge of Superintendents and some in charge of Inspectors-in-charge.

(*b*) (*i*) Yes. But there are some smaller districts which yield much higher excise revenue and in which more excise crimes are committed.

(*ii*) Not always.

(*iii*) Yes.

(*c*) Does not arise.

(*d*) (*i*) Not more than five years.

(*ii*) A little more than four years.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister be pleased to state if officers are occasionally transferred even within a shorter space of time than two years?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** If it is justified by reasons, such transfer is made.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister be pleased to state if he was prepared to allow the benefit of the services of a Superintendent in a big district like Mymensingh in the near future in view of the fact that the present incumbent has already been there for the maximum period there?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** As has been stated in the printed reply—Government have recently decided to increase the cadre of Superintendents and abolish the posts of Inspectors-in-charge so that this difficulty would be solved. Inspectors-in-charge are going to be placed in the cadre of Superintendents.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Are all Inspectors going to be placed in the cadre of Superintendent?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** Not all.

### Cinchona Factory.

**43. Khan Bahadur ATAUR RAHMAN:** Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*a*) what is the total strength of the staff in the Cinchona Factory (except menials);

(*b*) how many of them are Europeans, Anglo-Indians, Hindus, and Moslems;

(*c*) what is the pay drawn by each such officer;

(*d*) if any appointment is soon going to be made, or has recently been made;

(*e*) if the appointment will go to a Hindu or a Moslem;

(*f*) if the appointment has been advertised; if so, in what paper; and

(*g*) if not, why not?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** The answer is furnished below against each clause:—

| | | |
|---|---|---|
| (*a*) Gazetted officers | ... | 3 |
| Clerks | ... | 3 |
| Total | ... | 6 |
| (*b*) Europeans | ... | Nil |
| Anglo-Indians | ... | Nil |
| Hindus (including one hillman) | ... | 4 |
| Muslims | ... | Nil |
| Buddhists (hillman) | ... | 2 |

(*c*) One gazetted officer (Hindu) Rs.740 (scale Rs.740 to Rs.1,100).

One gazetted officer (Hindu), Rs.250 (scale Rs.150 to Rs.600).

One gazetted officer (Hindu), Rs.200 (scale Rs.150 to Rs.600).

One clerk (Hindu, hillman), Rs.35 (fixed).

One clerk (Buddhist, hillman), Rs.80 (scale Rs.35 to Rs.80).

One clerk (Buddhist, hillman), Rs.40 (scale Rs.40 to Rs.60).

(*d*) An officer was appointed recently.

(*e*) The post was not affected by Communal Ratio Rules.

(*f*) Yes; it was advertised in the daily issues of (1) *Statesman*, (2) *Amrita Bazar Patrika*, (3) *Star of India*, (4) *Ananda Bazar Patrika*, (5) *Azad* and (6) *Hindusthan Standard*.

(*g*) Does not arise.

**Khan Bahadur ATAUR RAHMAN:** In reply to question (*d*) the answer given is "An officer was appointed recently". May we know whether the incumbent is a Hindu or a Muslim or a Buddhist? Was there any Muhammadan candidate? Did any Muhammadan candidate apply for this appointment?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** Yes.

**Khan Bahadur ATAUR RAHMAN:** May we know who made the appointment, whether it was made by the Public Service Commission or by the Excise Minister?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** It was no doubt filled up by the Ministry but the recommendations were made by the Public Service Commission.

**Khan Bahadur ATAUR RAHMAN:** Then, why this department was particularly chosen to have a bar against the Muslims?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** There was no bar.

**Khan Bahadur ATAUR RAHMAN:** In that case, why have all the appointments gone to the Hindus and Buddhists and not a single to Muslims?

**Mr. PRESIDENT:** Arguments cannot be allowed in a question.

**Mr. AMULYADHONE ROY:** Will the Hon'ble Minister be pleased to state whether there is any member of the Scheduled Castes in this department and is the Hon'ble Minister aware that the Communal Ratio Rules are not being followed by the different departments of this Government?

**Mr. PRESIDENT:** The Hon'ble Minister can only answer for his own department. He cannot be expected to know the position in other departments.

**Mr. AMULYADHONE ROY:** Is the Hon'ble Minister aware that the Communal Ratio Rules, so far as the representation of the Scheduled Castes is concerned, are not being followed?

**Mr. PRESIDENT:** In which Department? In the Hon'ble Minister's Forest and Excise Department?

**Mr. AMULYADHONE ROY:** All right, Sir. In this department.

**The Hon'ble Mr. UPENDRA NATH BURMAN:** Sir, the main question relates to the staff in the Cinchona Factory. Am I to answer a general question whether my department——

**Mr. PRESIDENT:** I rule that the question is out of order.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** With reference to (*e*) the answer is "The post was not affected by Communal Ratio Rules". May I know what was the nature of the post and why was it not affected by the Communal Ratio Rules?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** It is the Darjeeling District where the cinchona factory is situated and accordingly the provision of the Communal Ratio Rules does not apply to appointments made in the Darjeeling District.

**Khan Bahadur ATAUR RAHMAN:** Then are we to take it that no Muslim should be given any appointment in the Darjeeling District?

**Mr. PRESIDENT:** That is not for his department to say.

**Khan Bahadur NAZIRUDDIN AHMAD:** Is there any bar to the selection of Muhammadans for these appointments?

**The Hon'ble Mr. UPENDRA NATH BURMAN:** No.

**Suspension of business during Juma Prayer in the High Court.**

**45. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) whether all the courts subordinate to Calcutta High Court suspend work for *Juma* prayer on Fridays, and whether the Hon'ble Judges of the High Court carry on their work on Fridays as on other working days without suspension for *Juma* prayers; and

(*b*) if so, whether the Hon'ble Minister will consider the desirability of drawing the attention of the High Court to this?

**MINISTER in charge of the REVENUE, JUDICIAL and LEGISLATIVE DEPARTMENTS (the Hon'ble Mr. Pramatha Nath Banerjee):** (*a*) (*i*) Yes, generally, to enable Muslim officers, pleaders, litigants and witnesses to say their *Juma* prayers.

(*ii*) The High Court regulates its own business.

(*b*) Does not arise.

(More than one member including the questioner rose up to put supplementary question.)

**Mr. PRESIDENT:** Order, order. I desire to observe a definite procedure in the matter of supplementary questions. The Chair will give the questioner the first opportunity to put supplementary questions. When he exhausts his supplementaries, I shall call others. Yes, Khan Bahadur.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** No doubt the High Court regulates its own business but is it not the duty of the Government as trustee of the public to point out to them that in the interest of the public it is necessary that some facilities should be given to Muslims to say their *Jumma* Prayers?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** The matter is governed by section 223 of the Government of India Act, 1935. It is also governed by section 30 of the High Courts Charter. The question whether the Government is a trustee of the public is a very large politico-legal question. I am unable to answer that question.

**Maulvi ABUL QUASEM:** Will the Hon'ble Minister be pleased to state if it is not possible, expedient and desirable for the Government of Bengal representing the people of Bengal to make a representation to the High Court about the very strong feelings cherished by the Mussalmans about the desirability of time being allowed for *Jumma* Prayer by the High Court?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** Sir, my honourable friend has asked me three questions. The first is the question of possibility. Now, Sir, the question of possibility is always governed by objective reality. The second is the question of desirability. The question of desirability is again circumscribed by the legal difficulty and the third is the question of expediency which is alway a matter of opinion.

**Maulvi ABUL QUASEM:** Will the Hon'ble Minister please state whether the courts subordinate to the Calcutta High Court suspend their work for *Jumma* Prayer on Friday under instruction issued by the Hon'ble High Court?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** I believe that is so.

**Maulvi ABUL QUASEM:** Will the Hon'ble Minister be pleased to state whether or not it is a fact that the Hon'ble Judges of the High Court of Calcutta carry on their work on Fridays as on other working days without suspending work for *Jumma* Prayer?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** I believe that is so.

**Maulvi ABUL QUASEM:** Having regard to the fact that the funds of the High Court are now provided by the Provincial Legislature and the Provincial Legislature has got some say in the matter of the business of the High Court, with your permission, Sir, I again ask, is it not possible, desirable or expedient to make a humble representation to the Hon'ble High Court of Calcutta that a strong feeling is cherished by the Mussalmans and that the High Court should follow the instructions which they issue in the case of the subordinate courts about *Jumma* Prayer?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** Sir, whatever my personal views may be, the question of petition and advice is not the concern of Government but it is undoubtedly a right of the subjects of the Crown.

**Maulvi ABUL QUASEM:** Not petition but representation.

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** Whatever it might be.

**Maulvi ABUL QUASEM:** Arising out of the last answer given by the Hon'ble Minister who spoke just as a lawyer and not as a Minister to Government——

**Mr. PRESIDENT:** Order, order. The honourable member has repeated the last question. I allowed that but there must be a limit to this. The Chair will not allow a regular cross-examination in the form of supplementary questions.

### Tankir khal of Tangail.

**46. Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if it is a fact—

(*a*) that there is a *khal* locally known as Tankir *khal* in Baheratoil union under Kalihati police-station in Tangail subdivision of the Mymensingh district;

(*b*) that the said *khal* passes through extensive agricultural land and important market places such as Baheratoil and Salgrampur;

(*c*) that the said *khal* serves the useful purpose of both communication and irrigation;

(*d*) that the said *khal* has been silted up resulting in serious deterioration in the production of crop from a vast field lying on either side of the *khal*; and

(*e*) if the answer to the above question be in the affirmative, what action do the Government propose to take in this respect?

**MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Mr. Shamsuddin Ahmed):** (*a*) and (*b*) Yes.

(*c*) The channel serves the purpose of communication during flood season. It also helps in flushing the land with silt-laden flood water.

(*d*) The land which has been raised by siltation and which does not go under water every year, has probably suffered in productivity to a

certain extent. But at the same time a larger area of *bil* land has been reclaimed which is producing good crop.

(*e*) The matter is under consideration.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister be pleased to state if he is aware that the re-excavation of the *khal* is necessary for sanitary as well as economic reasons and also for facilities of communication?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** I may inform my friend that the whole problem of the re-excavation of *khals* and *bils* is now being considered by the Government and I shall be in a position very soon to state before the House Government's policy regarding re-excavation of *khals* and *bils;* at present the position is being examined.

### Flood in Kandi.

**47. Khan Bahadur ATAUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) if there was any flood in Kandi subdivision of the district of Murshidabad in the month of October, 1941; and

(*ii*) if there was a similar flood in the same year as in 1939?

(*b*) If the Government have taken any step to remove the causes?

(*c*) What are the causes according to the view of the local officers?

(*d*) What is the extent of the damage to the paddy due to the flood?

**The Hon'ble Mr. SHAMSUDDIN AHMED:** (*a*) Yes.

(*b*) The matter is under investigation.

(*c*) Excessive rainfall in the areas.

(*d*) I have no information.

### Presentation of Supplementary Estimates for 1941-42.

**Mr. PRESIDENT:** The Hon'ble Finance Minister will now present the Supplementary Estimates for 1941-42.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** Sir, I have the honour to present the Supplementary Estimates of Expenditure for the year 1941-42. About a year ago, when the Supplementary Estimates for 1940-41 were under consideration, this House asked for an assurance from the late Finance Minister that "Government would not, except in cases of emergency, enter into additional commitments until the sanction of the Legislature had been obtained, and that in cases of emergency commitments they would present the Supplementary

Estimates at the earliest opportunity afforded by sessions of both Houses, summoning either House or both to sit rather than defer presentation". That was the exact wording used by the members of the House on that occasion. An assurance was given by the late Finance Minister that Government would not embark upon any large commitments without previously obtaining the sanction of the Legislature. This assurance unfortunately could not be implemented. It is nor for me here to justify that omission. I am well aware of the undesirability of allowing unsanctioned liabilities to accumulate till the very fag-end of the year. I can say that it will be my endeavour to see that this is not done in future. The Supplementary Estimate which is now being placed before the House covers a total expenditure of 2 crores and 39 lakhs, out of which 2 lakhs and 75 thousand is "charged" and the balance is "voted".

The three main items which are responsible for this large supplementary demand are Loans, amounting nearly to one crore, Extraordinary Charges, and Famine. Owing to unexpected natural calamities like floods, and cyclones, there was widespread distress in many parts of the province and considerable additional expenditure was involved in the relief of such distress. This accounts for the Supplementary Demand under "Famine", Loans to cultivators had also to be issued on an unusually large scale in view of the unfavourable economic situation. This explains the additional demand under "Loans and Advances".

By far the largest item of additional expenditure, however, amounting to 71 lakhs relates to emergency measures of Civil Defence. This represents only the provincial share of the total cost. The balance of the expenditure involved in these measures of Civil Defence will, as the House is aware, be met by the Centre in terms of the Agreement to which I made a reference in my Statement yesterday afternoon. The salient features of our scheme of Civil Defence both in the current year and in 1942-43, have already been made known to the House and it will not be necessary for me to repeat the details here.

The demands under the remaining heads are comparatively small and the reasons for them have been fully set forth in the Memorandum now placed before the House.

**Mr. PRESIDENT:** The House now stands adjourned till 2-15 p.m. to-morrow.

## Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 19th February, 1942.

## Members Absent.

The following members were absent from the meeting held on the 18th February, 1942:—

(1) Mr. Kader Baksh.
(2) Rai Bahadur M. N. Bose.
(3) Mr. Hamidul Huq Chowdhury.
(4) Mr. Narendra Chandra Datta.
(5) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(6) Mr. Kanai Lal Goswami.
(7) Mr. Mohamed Hossain.
(8) Khan Bahadur Syed Muhammad Ghaziul Huq.
(9) Khan Bahadur Muhammad Asaf Khan.
(10) Maulana Muhammad Akram Khan.
(11) Mr. W. B. G. Laidlaw.
(12) Sir T. Lamb.
(13) Mr. J. McFarlane.
(14) Dr. R. K. Mookerjee.
(15) Mr. T. B. Nimmo.
(16) Khan Bahadur Kazi Abdur Rashid.
(17) Khan Bahadur M. Shamsuzzoha.
(18) Raja Bahadur Bhupendra Narayan Sinha.

B. G. Press—1941-42—12810A—750.

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session—No. 3.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 19th February, 1942, at 2-15 p.m., being the third day of the First Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

## QUESTIONS AND ANSWERS

### Abolition of Kalihati circle.

*44. **Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if Kalihati circle under Tangail subdivision in the district of Mymensingh has been abolished and the area thereunder has been distributed between the two neighbouring circles, viz., Tangail and Gopalpur;

(*b*) if the Government are aware that the said arrangement has caused great hardship to and put heavy pressure of duties on the Circle Officers of Tangail and Gopalpur and caused great inconvenience to the general public including the Presidents and members of the union boards and Chairman and members of the debt settlement boards of the former Kalihati circle and that due to lack of supervision has caused deterioration in the proper administration of those boards; and

(*c*) if the answer to the above question be in the affirmative, whether the Government propose to continue the present arrangement or to revive the Kalihati circle in the near future?

*This question remained unanswered during the Third Session of 1941.

**MINISTER in charge of the HOME and PUBLICITY DEPARTMENTS (the Hon'ble Mr. A. K. Fazlul Huq):** (*a*) Yes.

(*b*) and (*c*) A proposal for revival of the Kalihati circle has been received by Government from the local officers and is now under consideration.

### Bengal Jail Industries Enquiry Committee.

*1. **Mr. NUR AHMED:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if it is a fact that the Bengal Jail Industries Enquiry Committee has submitted its final report very recently and that the same is unanimous;

(*b*) whether it is a fact that the said Enquiry Committee have very strongly recommended the abolition of *ghanis* and *chakkis* system in jails of this Province;

(*c*) whether it is a fact that in the said report the members of the Committee have very strongly recommended that the convict should be trained in a way which will give him a chance to become a useful member of society after release;

(*d*) whether it is a fact that the report contains a special chapter on the development of Borstal institutions for the reclamations of juvenile delinquents; and

(*e*) if the answers to parts (*a*) to (*d*) be in the affirmative, whether the Government propose to accept those important recommendations; if not, why not?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) to (*d*) Yes.

(*e*) Under consideration.

### Communal harmony.

**2. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if any action has been taken by the Government of Bengal on the resolution regarding "communal harmony" scheme moved by Mr. Nur Ahmed and unanimously adopted during the last August-September session of the Bengal Legislative Council? If not, why not?

*From here begin Questions tabled for being answered for the First Session of 1942.

(*b*) Are the Government aware that schemes regarding "communal harmony" have been drawn up in the Punjab and in the Province of Sind and a lakh of rupees has been sanctioned in each of these provinces to carry out these schemes?

(*c*) Do the Government propose to draw up any suitable scheme as suggested in the said resolution and provide necessary funds for the same? If not, why not?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** A scheme for the restoration and maintenance of communal harmony has been formulated and is being drawn up in consultation with local officers and after consideration of similar schemes in other provinces. A sum of Rs. 1 lakh has been provided for in this year's budget for this purpose.

**Mr. NUR AHMED:** Will the Hon'ble Minister be pleased to give a brief outline of the scheme prepared by Government?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** It is a very big scheme and it will be published as soon as it is completed.

## Adjournment motion.

**Mr. PRESIDENT:** I have received two notices of motions for adjournment of the House. One is from Mr. Nur Ahmed and the other is from Khan Bahadur Saiyed Muazzamuddin Hosain. The motion of which notice has been received from Khan Bahadur Muazzamuddin Hosain is out of order under rule 100 of our Rules, because it was not received three hours before the sitting of the House. But as regards the other motion from Mr. Nur Ahmed, it has been received in time. The motion runs as follows—

That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the most evasive and unsatisfactory reply given by the Hon'ble Minister-in-charge of Judicial Department to Question No. 45 of the December Session relating to the desirability of drawing attention of the Hon'ble Judges of the Calcutta High Court for temporary suspension of business on every Friday in order to give facilities to the Muslim litigants and lawyers to say their *Jumah* prayers in congregation, put by Khan Bahadur Saiyed Muazzamuddin Hosain, M.L.C., in the Legislative Council, held on 18th February, 1942.

**Mr. LALIT CHANDRA DAS:** On a point of Order, Sir. May I draw your attention to rule 97 of the Legislative Council Procedure Rules? "A motion for an adjournment of the business of the Council

for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President." May I submit, Sir, that an unsatisfactory reply given by an Hon'ble Minister to a certain question cannot be considered a definite matter of urgent public importance for such a discussion?

**Mr. PRESIDENT:** Why not? What is your argument?

**Mr. LALIT CHANDRA DAS:** It must be a definite matter of urgent public importance. The question and the alleged unsatisfactory answers given thereto, which form the subject-matter of this adjournment motion, have not been put in this motion to enable us to find out in what way the answer was evasive and unsatisfactory, and then to make it admissible under rule 97.

**Mr. PRESIDENT:** They may be referred to when the merits of the motion are discussed; but at this stage, the Chair must be satisfied as to how the matter may be treated as "urgent". You know that the word "urgent" is used in a technical sense in our rules relating to Adjournment Motions.

**Mr. NUR AHMED:** Yes, Sir. My humble submission is that this saying of *Jumah* prayer is one of the obligatory duties imposed by the Islamic——

**Mr. PRESIDENT:** Order, Order. That is a matter which you can discuss later if the motion is held to be in order. You can argue in details and go into the merits of the motion, after it is placed for consideration. At this stage, the Chair is to decide if the motion is in order. My difficulty is: I do not still see how this can be considered "urgent".

**Mr. NUR AHMED:** As regards "urgency", this is a matter which affects the rights, the very valuable rights of the Muslims and if this sort of answer is published, it will create a great excitement in the minds of the Muslims.

**Mr. PRESIDENT:** You may easily raise this matter during the general discussion of the Budget or by way of a short-notice question. I remember that this question was raised once before at the time of the last Ministry. The Hon'ble Minister in his reply to this question on that occasion referred to section 223 of the Government of India Act, 1935, which reads as follows:—

"Subject to the provisions of this part of this Act, to the provisions of any Order in Council made under this or any other Act and to the

provisions of any Act of the appropriate Legislature enacted by virtue of powers conferred on that Legislature by this Act, the jurisdiction of, and the law administered in, any existing High Court, and the respective powers of the Judges thereof in relation to the administration of justice in the court, including any power to make rules of court and to regulate the sittings of the court and of members thereof sitting alone or in Division Courts, shall be the same as immediately before the commencement of part III of this Act."

It is thus evident that the High Court alone is competent to make rules on the subject and that the Local Government has no jurisdiction in the matter.

**Mr. NUR AHMED:** Sir, the question was "Whether the Hon'ble Minister will consider the desirability of drawing attention of the High Court to this", and the answer given by the Hon'ble Minister in 45(*b*) was "Does not arise". He also replied: "The High Court regulates its own business". I am quite aware of section 223 of the Government of India Act wherein it is laid down that the High Court has got the power to regulate its own business as regards sitting, etc. But here the Government was requested to draw the attention of the Hon'ble High Court to some grievance of the Muslim Community. I submit that that section does not bar any representation being made to the Hon'ble Judges of the High Court regarding any grievances held by any section of the people. That section does not stand in the way of drawing the attention of the High Court to the grievances of the Muslim community to enable them to say their *Jumah* prayer on every Friday.

**Maulvi ABUL QUASEM:** Sir, I wish to make a few submissions regarding yesterday's answer of the Hon'ble Minister in charge of the Judicial Department. Our suggestion was that the Government of Bengal may be pleased simply to make known to the Hon'ble High Court the strong Muslim public feeling over this matter of the *Juma* prayer. It was far from our intention to ask the Government to make any suggestion to the High Court or persuade the High Court to grant Muslims such facilities, as they desire; but the Hon'ble Minister did not agree to that. He only quibbled, gave evasive answers and he was almost flippant and——

**Mr. PRESIDENT:** Order, Order. It is no good using strong words. This is a game in which both sides can play. It is inconsistent with the dignity of the House of Elders to indulge in any intemperate or indecorous language. Further, such language does not in any way help the hon'ble member in canvassing the opinion of his opponents in debate. I only wanted to ascertain how the matter referred to in the

motion could be treated as urgent and could come under the difinition of "urgency" as contemplated in our rules, in the strict sense of the term.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, as the matter is of great importance to the Muslim community, I beg your leave to make a short statement in order to explain the position. The question of granting facilities to Muslim lawyers, litigants, witnesses and others for saying their *Juma* and *Johore* prayers has been engaging the attention of the community for a very long time. So far as the mofussil courts are concerned where the Government has got power to control the business, rules and regulations and circular orders have been passed which have been considered satisfactory. As regards the High Court, I remember the question was raised some years ago and the matter was submitted to the Chief Justice who consulted the Muslim Judges of the High Court. It was decided that two rooms should be set apart in the High Court to enable the Muslims to say their prayers—*Johor* and *Juma*, and it was also ascertained that it would do if the *Juma* prayer begin at 1-30 p.m. As is well-known, the High Court rises always at 2 p.m. for lunch interval. Sir, that whenever any lawyer is engaged in a case which is likely to be taken up at the time when the *Juma* prayer is on, the Judges always accommodate the lawyer when permission is asked and the cases are passed over. I am speaking from personal experience. I was in the High Court for a very long time and I hope I can claim that I had some amount of practice also as a lawyer. I felt no inconvenience in the matter of saying my prayers. The fact of the matter is that those who want to say their prayers can always do so, and I do not think that the rules which now prevail in the High Court are at all inconvenient. There is a difference, Sir, between the state of things in the mofussil courts and in the High Court.

In the mofussil, parties attend in connection with cases; witnesses also attend and another very important class of beings, namely, *tadbirdars*, also have to appear in the mofussal courts, in addition to the lawyers. But in the High Court all these other sections are eliminated and it is only the lawyers, barristers and pleaders, who make their appearance in connection with the cases. Litigants, parties or witnesses do not have to come to the High Court, so that in such cases the question of their saying the prayers does never arise. It is only the lawyers who are engaged in the cases who may want or request for a convenient rule to be laid down for enabling them to say their prayers. As I have said, if these lawyers make an application the cases in which they are engaged are generally passed over. But, nevertheless, since the question has been raised and a desire has been expressed by my friend Mr. Abul Quasem that it would be better if the Hon'ble Judicial Minister had agreed to take up the matter again with the High Court, I can give him the assurance that we will do so.

**Maulvi ABUL QUASEM:** Many thanks.

**Mr. PRESIDENT:** I have given considerable latitude to some honourable members to discuss this matter in contravention of the ordinary procedure of the House relating to motions for adjournment; but in view of the strong feeling of the Muslim members in this House on this question, I thought it my duty to allow a little digression. But this should not be regarded as a precedent.

As regards the main point, the rule relating to adjournment motions provides that in cases of emergency, the ordinary business of the House may be interrupted. It is, therefore, obvious that this procedure should not be resorted to except for dealing with an unforeseen emergency. The word "urgent" in the rule has been used in a technical sense and there are several rulings on this point to show how this rule has been construed in different cases. Now, if the Chair is to allow every honourable member, who may feel dissatisfied with a reply to a question, to move a motion for adjournment of the House, the conduct of the normal business of the House would become impossible. But at the same time, the Chair can easily conceive of cases where an emergency may arise due to unsatisfactory answers to a question, necessitating discussion on the floor of the House in connection therewith. Looking for precedents, I find that almost a similar matter croppped up in the Central Legislature where the President observed:—

"It has been in the past the practice in this House to move the adjournment of the House on the unsatisfactory reply given by a Member of Government to a question. The Chair has now to decide whether, in the light of all the circumstances connected with the present case, the motion sought to be moved by the honourable member is in order. The Chair must say that the general line of argument adopted by the Honourable the Leader of the House in taking an objection to this motion is valid. There seems to be an impression in the minds of certain honourable members at any rate, that the mere fact that the answer to a question is unsatisfactory is in itself a sufficient ground to make a motion for adjournment on that point *ipso facto* in order. The Chair should distinctly rule that by itself the answer to a question is not a sufficient ground for moving a motion for the adjournment of the House. In deciding the admissibility of such a motion, the Chair has always to take into consideration the subject-matter with which the question is connected and, if the subject-matter itself is in violation of the Rules and Standing Orders relating to the motion for adjournment, no manner of unsatisfactory answers would make such a motion in order."

I agree with the view expressed by the Honourable President of the Central Assembly. Here also the question arose out of a matter relating to the High Court. Under section 223 of the Government of India Act the power of the Legislature and of the Provincial Government

is very much restricted. Now, the question was tabled by Khan Bahadur Saiyed Muazzamuddin Hosain and supplementary questions were put by Maulvi Abul Quasem. Mr. Nur Ahmed seems to be dissatisfied with the answers given by the Hon'ble Minister in charge. In these circumstances, and particularly when the honourable member will soon have an opportunity of raising this question during the general discusion on the Budget, I hold that this motion is out of order.

**Laying of the amendments to the Bengal Motor Vehicles Rules, 1940.**

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I beg to lay on the Table the Amendments to the Bengal Motor Vehicles Rules, 1940.

**Discussion of the Excess Expenditure, 1939-40.**

**Khan Sahib ABDUL HAMID CHOWDHURY:** Mr. President, Sir, when I rise to participate in the discussion of the excess expenditure as revealed in the supplementary estimate, I think, Sir, I should make it clear at the outset that it is not my object to offer any criticism. As a matter of fact, there is very little room for criticism in this Supplementary Estimate of expenditure, which has already been incurred. I shall only try to point out some items under different heads which do not seem to be fully explained in the memorandum appended thereto, and I shall be extremely grateful——

**The Hon'ble Dr. SHYAMAPRASAD MOOKERJEE:** On a point of order, Sir. We are discussing today not the Supplementary Estimate, for which a separate day has been set apart; but today we are discussing "Excess over Grants and Appropriations. for 1939-40".

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I have only one observation to make with regard to the excess expenditure incurred over grants and appropriations for 1939-40. I find in the statement that there has been excess over the sanctioned allotment in three items at least. My idea always was that no officer of Government or department is permitted to incur any expenditure in excess of the sanctioned allotment. It seems to me something new that this excess expenditure could be actually incurred without the sanction of the Legislature. So, Sir, I would like this point to be made clear whether it is permissible to incur expenditure by any Government officer or department beyond the sanctioned allotment. If that is allowed once we do not know where we

will be landed, because once expenditure beyond the sanctioned allotment is actually made, it is very easy to justify it by the departmental officers. I only want to know whether it is permissble to incur expenditure beyond the sanctioned allotment.

**Mr. BIRENDRA KISHORE ROY CHOWDHURY:** Sir, the amount which the Hon'ble Finance Minister has demanded to meet the excess expenditure in 1939-40 is very small. The responsibility for incurring such expenditure in excess of the budgeted amount does not also attach to the present Ministry. Nor have I stood to speak on the grounds which necessitated this expenditure. But, Sir, one of the items of this excess expenditure is connected with the working of section 26 (c) of the Bengal Tenancy Act. I take this opportunity to speak a few words about the relations between the zemindars and tenants today. As a result of the Tenancy Amendment Act of 1938, the zemindars were deprived of the Transfer Fee and in that way they lost an average annual income of nearly Rs. 40,00,000. We expected, Sir, that in return for the financial loss which the zemindars had thus sustained and in return for the payment of the new Education Cess which had been imposed upon them, they would be assisted by the Government in every possible way in collecting their legitimate dues from the tenants. But so far the zemindars have been disappointed in this expectation. I hope, Sir, the present Ministry will do what is possible in creating the proper atmosphere and in taking the necessary and suitable steps by which alone collection of rent on a reasonable basis can be made. Many people look upon the problem of collecting rent from tenants with supreme indifference. But it is my hope, Sir, that the present Ministry will attach as much importance to it as it really deserves.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** Sir, I do not think that much has been said which requires explanation from me. Of course, this item relates to 1939-40 for which obviously the present Ministry was not responsible. But I should say this in reference to the remarks which fell from my honourable friend to the left that the excess expenditure amounts to about Rs. 15,000 out of a budget of more than 15 crores of rupees and the circumstances under which such excess expenditure had to be incurred are stated in the memorandum which has been placed before the House. Obviously, excess expenditure should not be incurred. But, if there are unforeseen circumstances which make such excess expenditure to be imperative, then that is done and that is placed before both Houses of the Legislature. I believe that so far as public interests are concerned, sufficient safeguards are guaranteed by reason of the procedure which is laid down. As you know, Sir, only Rs. 1,862 relate to voted grant and the balance relate to non-voted amounts which will have to be placed before His Excellency the Governor for his approval.

As regards the point which my friend Mr. Birendra Kishore Roy Chowdhury raised, well, that is a question which I, as the Finance Minister, cannot obviously deal with. But when the general discussion of the Budget will take place, I am sure that question and many other questions relating to several items of expenditure should be raised and then the points will be dealt with by the Ministers concerned.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** On a point of information. I would like to know whether special allotments are not made for meeting unforeseen charges in every department and under every head. There is some allotment for meeting unforeseen charges.

**Dr. SYAMAPRASAD MOOKERJEE:** It is not an anticipatory charge. It is an unforeseen expenditure, a charge which was not provided for in the Budget and if we make a provision for meeting unforeseen expenditure allowing officers to spend as they like, then exactly a state of affairs will arise which my honourable friend himself would like to be avoided.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** There is provision in each department for meeting unforeseen charges.

**Mr. PRESIDENT:** But the question is whether any right is there to incur excess expenditure beyond the grants made, because it is doubted even from the constitutional standpoint.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** That question was raised actually but this is really post-mortem with a vengeance. This relates to the accounts of 1939-40 and to-day in February, 1942, we cannot possibly ask for a supplementary grant in relation to the Budget of 1939-40.

**Mr. PRESIDENT:** Why? When they saw that there was going to be an excess, why they did not come to the Legislature and have a supplementary Budget—not now in 1942—in the year 1940-41?

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** But as you see, this arises out of the Audit Report of 1940-41. That this excess expenditure did occur was not known before such audit. The items were really detected as a result of the audit which took place in 1941 and as soon as it was brought to the notice of the Government, according to the Financial Rules of Procedure, it has been placed before both Houses of the Legislature.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Does the Hon'ble Minister think that the officers incurring the expenditure did not themselves know what will be required in the course of the year?

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** Exactly so

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Then that is a very bad procedure no doubt.

## The Bengal Criminal Law (Industrial Areas Amendment) Bill, 1941, as reported by the Select Committee.

**Mr. PRESIDENT:** The House will now take up the Bengal Criminal Law (Industrial Areas Amendment) Bill, 1941, as reported by the Select Committee.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Sir, I move that the Bengal Criminal Law (Industrial Areas Amendment) Bill, 1941, as reported by the Select Committee, be taken into consideration.

**Mr. PRESIDENT:** Motion moved: that the Bengal Criminal Law (Industrial Areas Amendment) Bill, 1941, as reported by the Select Committee, be taken into consideration.

**Mr. NUR AHMED:** Sir, I rise to oppose the motion moved by the Hon'ble Minister in charge of this Bill, because very wide and drastic powers have been given to the police officers to arrest people under any circumstances and for punishing the people summarily. When this Bill was first introduced, the then Home Minister admitted that he had introduced it with great diffidence and he also admitted that the Bill really sought to give very wide powers to the police officers. The Bill says, among other things, "Any person found, between sunset and sunrise armed with any dangerous or offensive instrument whatsoever, with intent to commit any criminal act, having his face covered or otherwise disguised, with intent to commit any offence, disguised in any manner with intent to commit any criminal act, in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein; or any person previously convicted of theft found between sunset and sunrise on board any vessel or boat, or lying or loitering in any bazar, street, yard, thoroughfare or other place who shall not give any satisfactory account of himself; or, any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person) any implement of house-breaking: may be taken into custody by any police officer without a warrant, and

shall be liable, on summary conviction before a Magistrate, to imprisonment, for a term which may exceed to three months." If we go deeper into these provisions, we will find that it gives very wide power to the police officers and what is more the definition of a police officer has not been given in this Bill. Who is a police officer? There is nothing at all in this Bill to show as to who is a police officer; a police officer may include an ordinary constable. A person may not always give satisfactory account of himself but should he be arrested and punished for that? There is no definition of the term "house-breaking" implement in the Bill. Clause (3) also gives wide powers to the police officer. Clause (3) says "Whoever has in his possession, or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe to have been stolen or fraudulently obtained, shall, if he fails to account for such possession or such act to the satisfaction of the Magistrate, be liable to fine, etc."

This is also very wide and so wide that any person can be arrested and fined by the ordinary police. Sir, I thought that the Bill would be substantially improved in Select Committee but I find that no substantial improvement has been made there in the Bill. Therefore, I am surprised to find that a Government which calls itself a progressive Government has brought in such a retrograde measure in the shape of such a reactionary Bill. I am sure, Sir, that the name "Progressive Government" should not apply to an Administration that can bring in such a Bill. With these few words, I strongly oppose the Bill being taken into consideration.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, my honourable friend Mr. Nur Ahmed has raised some objections to the Bill. No doubt, to a certain extent, the provisions of the Bill are out of the ordinary and are somewhat outside the ordinary conception of offences in the Indian Penal Code. Still, the mischiefs which the Bill attempts to check being of an extraordinary character, the Bill has got to be also of an extraordinary character. Experience has shown that in industrial areas thefts frequently take place. Thefts of copper wires, often in large quantities, and of engine parts and stores which are incapable of satisfactory identification but which are obviously stolen properties—properties which a person is found to be in possession of, which he cannot satisfactorily explain, have got to be dealt with. In Asansol these offences are extremely frequent and large quantities of metals and other things are occasionally stolen and persons, obviously of no means whatsoever, are frequently found in possession of such things under suspicious circumstances. The men are apprehended and sent up for trial but the case fails for want of strict identification of the stoden articles although there could not be any moral doubt that such things could never belong to the man, and although there could not be ary doubt whatever that

the offence had been committed by that man. It is to deal with such extraordinary cases occurring in industrial areas that this Bill has been conceived. The first point objected to is that if a man, having a previous conviction for theft, is found loitering about a factory and other industrial areas, cannot give any satisfactory explanation of himself, he may be arrested and may also be convicted. A man who has been previously convicted must not loiter about a factory and, when challenged, should at least be able to give a satisfactory account of his movements; these are sufficient safeguards against indiscriminate arrests.

Then, again, a man who is in possession of implements for housebreaking, may be arrested under this Bill. My honourable friend has objected to this provision also and has further complained that implements of house-breaking have not been defined. I submit that there is danger in defining or rather over-defining certain things in the statute. Implements of house-breaking are more or less well-known and it should be left to the courts to decide whether, in individual cases, particular implements could be regarded as house-breaking implements. That should be made to depend upon the circumstances. The omission to define the implements of house-breaking, therefore, ought not to stand in the way at all. Persons in possession of house-breaking implements without lawful excuse may be arrested and convicted. Then, again, a substantive offence has been created in clause 3, sub-clause (*1*). If a person is in possession of articles and there is reason to believe that these are stolen or fraudulently obtained, then the man may be convicted with fine only on one condition, that he fails to account for such possession.

The offences being of an extraordinary character, having developed out of the exigencies of modern civilization, we have got to check them by this extraordinary measure.

I have had some personal experience of many such cases. Many cases which are obviously true cases have had to end in acquittal on the ground that the things could not be strictly identified. The Bill deals with these extraordinary cases. The last point which my friend made is that the present Government which calls itself a progressive or popular Government should not have undertaken such legislation. I may say, however, that the Bill was conceived by the late Government and there were two or three members in the Select Committee who belong to the party of my honourable friend. The Bill was conceived at a time when the present Ministry was not in being at all and there should not have been any reference on that score. I submit, Sir, that this Bill deals with certain offences of a restricted character in certain restricted areas. It would not apply to ordinary person in ordinary places. In the circumstances, there should not be any objection. It has passed through a Select Committee presided over by Sir Nazimuddin

and there were other experienced members there who supported the Bill. In the circumstances, I think the Bill should be passed as it is. It will deal with a real evil in a really effective manner.

**Mr. PRESIDENT:** The question before the House is that the Bengal Criminal Law (Industrial Areas Amendment) Bill, 1941, as reported by the Select Committee, be taken into consideration.'

(The motion was agreed to.)

**Mr. PRESIDENT:** For giving notices of amendments, I fix Monday noon, the 23rd February, 1942, so that the Bill may be taken up, clause by clause, on the 26th February, 1942. The House now stands adjourned till 2-15 p.m. to-morrow.

## Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 20th February, 1942.

## Members Absent.

The following members were absent from the meeting held on the 19th February, 1942:—

(1) Mr. Altaf Ali.
(2) Mr. Kader Baksh.
(3) Rai Bahadur M. N. Bose.
(4) Mr. Hamidul Huq Chowdhury.
(5) Mr. Narendra Chandra Datta.
(6) Mr. Kamini Kumar Dutta.
(7) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(8) Mr. R. W. N. Ferguson.
(9) Mr. Mohamed Hossain.
(10) Khan Bahadur Syed Muhammad Ghaziul Huq.
(11) Khan Bahadur Muhammad Asaf Khan.
(12) Maulana Muhammad Akram Khan.
(13) Mr. W. B. G. Laidlaw.
(14) Sir T. Lamb.
(15) Mr. J. McFarlane.
(16) Dr. R. K. Mookerjee.
(17) Khan Bahadur Kazi Abdur Rashid.
(18) Dr. K. S. Ray.
(19) Mr. S. N. Sanyal.
(20) Raja Bahadur Bhupendra Narayan Sinha.

B. G. Press—1941-42—2819A—750.

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session—No. 4.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 20th February, 1942, at 2-15 p.m., being the fourth day of the First Session, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

## General discussion of the Budget.

**Mr. PRESIDENT:** The House will now take up the general discussion of the Budget.

**Mr. HUMAYUN KABIR:** I rise on a matter affecting the House before the general discussion of the Budget is taken up. Sir, we find that there are no questions to-day. I, therefore, wanted to raise this matter, a matter which has been raised also in the Lower House. I understand from members of the Lower House that in respect of their attendance in the Assembly each member will be given half a gallon of petrol per day of business. (MR. SRISH CHANDRA CHAKRAVERTI: But that is not a fact.) I was told so by certain members of the Assembly. If that is not a fact, the basis of my contention goes but in any case I would represent through you once more the difficulties which members are feeling in attending the sittings regularly. Very soon there will be set up Select Committees on Bills which also we will have to attend. Will you kindly take up this matter again, Sir? Will the Hon'ble Minister give us any assurance in this respect?

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** It is now patent how dangerous sometimes it is for this House to refer to what had happened in the other House. Actually, Sir, no such decision has been taken about petrol. The Hon'ble the Speaker said that he had received information to the effect that in the Central Legislative Assembly such facilities have been arranged for by the Government of India. He has sent the file to me and has requested me to see if similar facilities can be given to members of the Legislature in Bengal. I can give this

assurance to the House that if this facility is granted to the members of the Legislative Assembly, obviously the members of the Legislative Council will not be excluded.

**Mr. HUMAYUN KABIR:** There is one other point to which I want to draw through you the attention of the Hon'ble Ministers. The general Budget discussions begin to-day. Unfortunately, I was under the impression that it was set for discussion of the Supplementary Budget. In any case, we have not had sufficient interval after the presentation of the Budget. It has usually been the practice to have a break of a few days before discussion of the Budget begins. As you know, Sir, we have no power of discussion with regard to the detailed items of the Budget, whereas the Lower House has the opportunity of taking up each item and has much longer time to study the Budget. But, in view of the fact that this Budget presented by the Hon'ble Dr. Mookerjee is his first budget, it deserves careful attention and study by all members for, as he has indicated in his speech, though it has not been possible to make as many departures as he desires from the usual——

**Mr. PRESIDENT:** Order, order. I shall call the honourable member, if he wants to speak, on Monday and not to-day.

**Mr. HUMAYUN KABIR:** Not only I but many other members are feeling that difficulty. I was representing to you our difficulties after I had talked with many other members. We all feel that if we have an interval of two or three days before the general discussion is started, it will be convenient to all the members of the House. I would request you to kindly keep this in mind in fixing the agenda.

**Mr. PRESIDENT:** The honourable member has drawn the attention of the Hon'ble Finance Minister to this fact and I hope he will consider it. As a matter of fact, these dates regarding the general discussion of the Budget are fixed by His Excellency the Governor in his individual judgment. So, there cannot be any criticism, but certainly the attention of His Excellency will be drawn to this difficulty in future.

**Dr. RADHA KUMUD MOOKERJI:** Sir, when I come to learn that Friday has been fixed as the first day for discussion of the Budget, I thought that there was some reason for departing from the usual procedure by which Friday is generally reserved for non-official business. So, we are really losing a day—a very valuable day—for such business, particularly in view of the fact that only very few days are allotted for work of this Council. This is the first time that a member of the Council has to speak on the Budget on a Friday.

Now as regards the Budget itself, I find that discussion of the Budget in this House specially has been handicapped by several circumstances. In the first place, the Budget that has been presented before us this year cannot be described as the work of the present Government in a very material sense, as the Hon'ble Finance Minister has himself made it quite clear. There was a change-over in administration in mid-stream, and therefore this Budget is really the child of the old Government which has expired, so that there is hardly any responsibility to be fixed upon the new Government. Generally, we take advantage of these occasions for Budget discussions to comment upon the policy of the Government whose true colours are reflected in the Budget that they present before the House. In fact, the Budget really is the standard by which the policy of a Government is to be judged; but unfortunately in the peculiar circumstances of the political situation in which we are placed today we are unable to fix its responsibility upon any Government. The second handicap under which we in the Council are labouring is due to the Constitution itself. For, after all, we depend upon the courtesy of the Hon'ble the Finance Minister for taking any note of the observations that we may make here on his Budget proposals. We are not at all taken into confidence in regard to the schemes by which a Budget is framed. Some time back, I had the honour of moving a point of order on this very subject that unless the Legislative Council is given an independent place on the Public Accounts Committee, the Council cannot really perform its proper function, because the members of this Council are not at all conversant with the many details of the Budget appropriations that are made. Last time, the Finance Minister of the Government that has expired was pleased to admit the legitimacy of the plea that was advanced, but I believe that remained only a pious hope and it was not given effect to, with the result that this House as such has been denied its proper right to have previous discussions on the various schemes of expenditure shown in the Budget proposals. The Public Accounts Committee is the only place where various details of budgetary proposals can be properly threshed out, the only place where the general financial administration of the province can be discussed. In other places, the discussion tends to be merely academic.

Then as regards the Budget as a whole, it is impossible for members of the Council to quarrel with the appropriations and the details shown in the Budget. For, after all, a Budget is bound up with a system and policy under which it has been framed.

Now, Sir, it is not possible for us to enter into the policy and the system underlying the Budget. It is not at all right for us at this stage to upset the scheme by which the various details have been worked out and fitted into the Budget. All that we can do is to indulge in certain general observations as regards the policy and plan under which a Budget should be framed or rather the general scheme

which should inspire a well-considered Budget for the province. With these few prefatory remarks, I should like to be just as useful as I can be, handicapped as we are by the circumstances to which I have referred,—in still making certain suggestions about alterations in the Budget.

First of all, I want to stress the rise in the figures of revenue. This rise in itself may be a matter upon which the Province might congratulate itself, though a part of this rise in revenue is due to certain measures of taxation against which some of the members of the present Government raised their strongest protest in their time as members of Opposition. However, the present Government is only an heir to the old traditions and cannot be blamed for this. We find that the revenue for 1942-43 has been estimated in the Budget at 16 crores and the Budget for 1941-42 was lower by about 40 or 41 lakhs, whereas the revenue for 1940-41 was much lower. The fact is that the estimates of receipt for 1942-43 are better by about 41 lakhs than the Budget Estimate for the year 1941-42. Then, if we take the Budget for 1940-41, the increase in revenue is to the tune of over two crores. I agree that with this proportionate rise in the provincial revenue there has been a corresponding rise in certain items of expenditure, rise in the present year 1942-43 by about 43 lakhs over the expenditure for the year 1941-42, and as regards 1940-41, it is higher by a figure of over 2 crores. Now, Sir, the question is: how this increase in revenue is appropriated for the purposes of the Province—whether there is any policy behind these appropriations. So far as the present year's Budget is concerned, the Finance Minister takes shelter under the emergent conditions created by the War and that means that he has appropriated from revenue a vast sum of one crore and 25 lakhs, although he has been kind enough to show a deficit of a heavy amount, viz., one crore and five lakhs, which means that he has really taken 20 lakhs out of the budgetary surplus for the so-called Civil Defence. Now, Sir, the point that I raise is: whether there is any policy behind this appropriation of one crore 25 lakhs from the general revenue. I do not know whether it is open to a member of the Provincial Legislature to raise Imperial questions regarding the War and Defence measures. The Finance Minister says that this is a nation-saving Budget. But I should have preferred the expression "National Defence Budget". It is not a question of Saving but it is a question of Defence. Now I want to know how this sum of one crore 25 lakhs has been spent—whether this has been spent mainly for the so-called A. R. P. measures for the protection of Calcutta and its citizens. If so, what about the whole Province of Bengal of which Calcutta is only a very insignificant portion? Besides, when we remember that Calcutta is now being denuded of its population to a very large extent, when the evacuees are taking recourse to life in mofussil areas in their lakhs, the question is: whether

these evacuees will be given the benefit of this extraordinary appropriation of revenue to what is called a Defence Measure. There are many problems which will face those poor people who have migrated from Calcutta into their native homes in the villages. Has the Government considered to what extent these exacuees may be helped in obtaining their livelihood under conditions to which they are not used? They have been uprooted from their old moorings to which they were accustomed. To what extent should they be helped against the disadvantages they will suffer in their new homes by the so-called scheme of National Defence or Saving? These are mere queries. Perhaps, Government may have given adequate attention to these aspects of the case. My point is that the question of Civil Defence should be considered in all its aspects and bearings and also as a matter which affects the province as a whole and not merely one particular city. The urban interest is considered to be more important than the vast village interest which goes by default. I do hope that there will be a balance effected between the defence of the population in places like Calcutta and also the defence of the population who have been forced to evacuate to places outside and who are faced with increased difficulty in obtaining their means of livelihood.

Coming now to the so-called defence measures—what are the defence measures amounting to? Even as regards these so-called schemes of national defence, which are called A. R. P. measures, I should think, —of course, I am not a military expert and I am not competent to give my opinion on matters military,—I should think there are other courses which should be adopted and which will effect a real defence against enemy attack. It should not be contemplated that the people should only passively wait to be attacked. The question is, whether there are enough anti-air-craft guns and other weapons whereby attacks could be made nugatory and protection made more effective. Laymen believe that too much of fuss is being created concerning nocternal black-out. But supposing there is an air-attack on the city in broad day-light, what kind of protective measures are available to us? So, why should one wait for night attack only, when the enemy knows that against day-light attack there is hardly any defensive measure? Thus, Sir, what is the use of these black-out measures? Rather we should keep burning the flame of freedom against the black-out of barbarism. There should be some constructive measures——

**Rai Bahadur KESHAB CHANDRA BANERJEE:** The black-out system is intended to fight against the enemy barbarism.

**Dr. RADHA KUMUD MOOKERJI:** If you make night-attack difficult, the enemy will easily turn to day-attack. Then, Sir, we find that so far as Calcutta is concerned, the plan of defence is not at all enough. Much of the money is being spent on things like stirrup

pumps, respirators, gas masks, eye-shades, etc. What a poor equipment for protection! The people are being armed with these only, when there are other things by which they should be protected.

Now, Sir, I come to the main point. Supposing, the increased revenue receipt is set apart for this emergent expenditure due to war, how is the balance of revenues to be spent? Even allowing for war measures, the Government has to explain how the normal revenues are really spent, under what policy, under what scheme of national welfare they have appropriated this huge increase of revenue since 1940-41. So far as the budget which is before us is concerned, we find that there have been certain increases on what may be described very faintly and indirectly as "Nation-building Departments", though some of the items hardly merit this description. Now, "General Administration" has again come in for a share of increased grant even in the midst of these difficult conditions to the extent of Rs. 1,76,000. "Debt Conciliation", which is part of Nation-building schemes, deservedly gets about Rs. 3,50,000. But this benefit is offset by an extraordinary expenditure found to be necessary on Jails and very probably if the number of prisoners under the Defence of India Rules is to go on increasing, then probably there might be further justification for more expenditure on Jails. That is a kind of protection no doubt for the country, that is, protection of the people against lawlessness. Then, thanks to the well-known educational bias of the present Finance Minister, I must congratulate him on finding a sum of over Rs. 6 lakhs to be spent on "Education". But even if he makes this addition to the Education Budget of the province, he will have himself to acknowledge that after all the Police Budget is still far higher than the Education Budget of the province. I hope that when he is more firmly on his saddle and for a longer time, he will be able to have a definite policy whereby the percentage of expenditure on a particular item to the total revenue should be fixed on the basis of some kind of national policy. No country in the world will allow its Police Budget to be higher than the Education Budget.

Now, as regards Public Health there is a laudable increase but the increase is not enough; only Rs. 5,50,000 including a much-needed sum which is to be spent on the extension of cinchona cultivation. But that is almost a commercial department of Government, because the cinchona factory of Government at Mungpoo is practically catering for the needs of the whole of India. So this expenditure probably will be more profitable. Now, my point is: that you have got this increase of revenue mainly for a very peculiar circumstance by which the Legislature was committed, I mean the new measures for taxation against which we of this House and the other House were always protesting very vehemently. But we reconciled ourselves to these new taxation measures only on the assurance that the proceeds of such new

taxation will be solely appropriated, solely ear-marked for the pressing needs of certain Nation-building Departments. Now, what is the picture that we get in the countryside? Well, there, the millions are in the same condition as before. There is no change so far as the masses are concerned. There may be a change at the top; there may be a change of Government but, as in the words of Tennyson's Brook, "Men may come and men may go, but I go on for ever", the poor toiling tillers of the soil, they go on in their dismal course of life without any ray of hope. Now, what is it that we find in the villages? The same phenomena, namely, that the agriculturist is without work for more than half the year; that his average income is about 3 annas a day; his expectation of life is only 25 years as against 55 in England and 65 in America. How long are we going to tolerate this appalling state of things and, over and above this, the literacy figures remain as stationary as before. There is no movement in the villages. There is no movement so far as the ultimate facts of life facing 90 per cent. of the population of Bengal—about 4½ crores out of 6 crores—are concerned. There is no change so far as these people are concerned.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** During these two months!

**Dr. RADHA KUMUD MOOKERJI:** I am afraid the Hon'ble Minister was not present when I made the general remarks. But, of course, considering the masterful personalities of some of the new Ministers, we had hoped that more drastic remedies might have been applied even within the time at the disposal of the new Government.

Now, the question is: what are the measures for improving the lot of the people who are without work during 6 months of the year? There has been no scheme in the field. Some regional and suitable handicrafts might be started in the different districts of the province. These problems have no connection with air attacks. The rural people require to be saved from chronic difficulties and not from difficulties which are now before the urban people and of which we make so much. Of course, the Finance Minister cannot be held responsible for the lack of schemes of other departments. It is the duty of each department to prepare its own scheme and then ask money from the Finance Minister. If the Finance Minister thinks that the new expenditure is well-thought of and well-planned, he may allow that expenditure to be included in the Budget. We have been only hearing of schemes for national welfare for years but no such schemes have materialised up till now. I just now referred to the lower expectation of life which is going down yearly in Bengal. It is really appalling. We must have well-thought out public health and welfare schemes which would be suitable for the specific conditions prevailing in the districts. This question, Sir, has nothing to do with Civil Defence arrangements.

**Rai KESHAB CHANDRA BANERJEE Bahadur:** On a point of order, Sir. Dr. Mookerjee has at the very outset referred to the provision made under Civil Defence. Now, it is a matter which is primarily the concern of the Government of India. The Provincial Government has set apart whatever they have been asked to by the Central Government.

(Cries of "What is the point of order".)

**Mr. PRESIDENT:** On a general discussion of the Budget Dr. Mookerjee has every right to criticise any part of the Budget.

**Maulvi ABUL QUASEM:** Sir, may I rise on a point of order. Mine is a very short one. This general discussion of the Budget concerns all departments. I see only four Hon'ble Ministers are present and five Hon'ble Ministers are absent. Now, who will listen to the speeches and take down notes on behalf of those Ministers who are absent? How will they be able to reply to the remarks concerning their departments? So, is it not desirable that all the Hon'ble Ministers should be present at the time of the general discussion of the Budget? Is it not something like discourtesy to this House that the Hon'ble Ministers should keep themselves away when the general discussion of the Budget is going on?

**Mr. PRESIDENT:** It is desirable that Hon'ble Ministers should be present at the time of the general discussion of the Budget.

**Dr. RADHA KUMUD MOOKERJI:** I hope these interruptions will not have the effect of obscuring the main point on which I insist. My point is that the Province had about 16 crores of revenue which they were free to spend as they liked, but we find, first of all, that the proceeds of the Sales Tax, the Employment Tax and other novel levies—the proceeds of all these taxes have not been appropriated for purposes for which they were ear-marked. On the contrary, they form part of the general expenditure and therefore all these valuable sources of revenue have been misappropriated for purposes for which they were not originally granted or meant. Then, my last point is this: I do not know whether there is any time now for introducing any revision in the Budget; but I wish the Finance Department, the portfolio of which is held by Dr. Syama Prasad Mookerjee, a man of acknowledged ability, should just see if it can find some more money which is urgently wanted for the rural population whose number has now been very materially added by the exodus from Calcutta, so that the defence preparations of the whole of Bengal may be on a scale by which all parts of the province may be equally benefited. Defence should not confine itself purely to the question of defending Calcutta against

bombing, and even there, as I have already said, the defence of Calcutta has not been planned on a proper military scale, so that bombing can be prevented. Just now we are at the mercy of the invader and we are only told to slink in a cowardly manner into the slit trenches and holes to bow to the decree of Fate in a spirit of passivity which has been the main obstacle to India's national and industrial progress. I hope this attitude of passivity will not be increased by means of these defence measures which are merely passive in their character.

In conclusion, I would only say that the condition of the masses is deplorable in every direction. More money is required for measures of public health; infinitely more money is required for increasing the literacy of the people. There is hardly any future for a province where literacy in the English language is below 3 per cent. and the general literacy apart from language is about 9 per cent. Sir, what future can there be for a Province on this basis—appalling illiteracy, lowest expectation of life and what is most important, the fact that our able-bodied population is without any means of livelihood or work for more than half the year. What is required: is a National Planned Economy whereby the handicrafts in rural areas which have been destroyed by competition of foreign capitalists and manufacturers —all these rural handicrafts should be re-habilitated by a well-planned scheme of economic welfare. (Interruption from the European Group.) Sir, I am very glad to have been interrupted by an honourable member of the European Group, because their forefathers were mainly responsible for the destruction of Bengal's handicrafts since the days of the East India Company, and it is time that we give back to the people what they have lost as a source of livelihood available in the villages. We cannot expect the millions in the rural areas to migrate to the few jute mills on the river bank. We cannot indutrialise the whole population of Bengal in a day. Therefore, we must be prepared to bring back the villager to his own cottage and his own home. Otherwise, there is no economic future for the whole Province. All the pressing national problem is ultimately the problem of the welfare and defence of the people. I hope these measures will remove the chronic difficulties of the masses and their wretched condition should be considered in a more liberal spirit rather than that this growth in revenue should be spent and frittered away on measures which should belong to the Centre and not to the Provincial Government.

**Begum HAMIDA MOMIN:** Sir, the two outstanding items of expenditure in this otherwise colourless budget presented by the Hon'ble the Finance Minister are the provisions of rupees one lakh for communal harmony and of Rs. 76,000 for salaries of Parliamentary Secretaries. To these two items mainly I shall confine my observations. But before I do so I wish to offer my thanks and the thanks of

my fellow-workers of the All-India Women Conference, Calcutta Branch, for the provision of Rs. 1,500 towards the maintenance charge of the "Chhatriniketan", which is a hostel run by our association for mofussil girls, reading in Calcutta colleges having no attached hostel of their own. The All-India Women Conference, Calcutta Branch, has been agitating for years for the establishment of such hostels for the benefit of the increasing number of girls students from the mofussil and it is greatly appreciated that Government has at last recognised the necessity of establishing such hostels. It is gratifying that the first monetary assistance from Government has been received from the hands of Dr. Shyamaprasad Mookerjee, the Hon'ble Finance Minister, who was the first man to help us with a grant from the University when we started this hostel 3 years ago.

I find that in spite of my request made last year to show the allotments for girls and boys schools in the primary stages separately, the amount has again been lumped together in the present budget. The amount of Rs. 3,40,000 and Rs. 50,12,000 for grants to non-government primary schools and local bodies respectively are meant both for boys and girls; and we do not know how much of this money is going to be spent on girls' education and how much on boys. This information is essential in the interest of girls' education. Similarly, a sum of Rs. 92,000 has been provided for adult education, but here also it is not known how much of this amount will go for the education of women. I maintain that under these two heads girls and women should share equally with boys and men if not more, as not only the education of girls is behind-hand but also their education indirectly helps the education of boys.

Sir, another suggestion I would like to make about the Education Budget is that want of trained women teachers is a crying need all over Bengal for the development and progress of girls education. The number of training schools or centres for this purpose is very few and it is desirable that some more centres should be opened to give facilities for girls education in the districts. I do hope the Hon'ble the Education Minister will take this into consideration in his next budget or if possible in the supplementary budget.

Next, Sir, comes the youth welfare grant. A sum of Rs. 28,000 has been placed under the physical directress for the benefit of girls and women. I would like to know from the Hon'ble the Education Minister if any definite scheme has been prepared for the proper utilisation of this amount.

I wish to reiterate the demand I made last year for substantial monetary assistance for the Tollygunge Charitable Hospital which I regret has again been neglected. The old hospital building has been condemned and will soon have to be demolished. Plans and estimates for a new hospital building have already been prepared and submitted

to Government. Unless Government comes to our assistance, it will not be possible to begin the work of construction. I may add here that this is a most important suburban hospital, catering not only for the growing population of Tollygunge, but also for the poorer classes of the surrounding villages who are unable to obtain treatment elsewhere.

Sir, as I mentioned at the very outset, the item which calls for careful consideration of the House is the provision of rupees one lakh for communal harmony.

If a real communal amity could be secured by spending money, we would not grudge even ten times the above amount; but past experience makes one rather pessimistic in this matter. We have had slogans from platforms and the Press galore, committees formed, resolutions passed for bringing about unity between the two communities; but they led to no results. Without a regular detailed scheme on which the Government is going to work, it is not possible to understand if this amount will be well-spent. Distribution of leaflets, peace literatures, subsidising newspapers or appointing preachers will not help in the least. On the other hand, such actions will be put down as undue favouritism and patronage and the remedy will be worse than the disease. If it is the intention of Government to bring about real unity, it can only be achieved by a change of heart and sincere effort on the part of the leaders of both communities to face the various problems with courage and impartiality without keeping one eye on the ballot-box. I hope, Sir, that a heart living and throbbing with feelings for the good of the people of Bengal will be present when schemes will be drawn up under this head and something real, something good and something noble will come out for the good of our people in this province. The communal bitterness in Bengal has spread to such an extent that it cannot be wiped out by doles of money. To extinguish this consuming fire and scourage from amongst us and establish genuine peace and amity, it requires sacrifices from individuals jointly and severally and not mere platform lip-salve.

As regards the increased provision of Rs. 76,000 for salaries of Whips and Parliamentary Secretaries, it is ill-timed and unnecessary. It is not understood why as many as 18 such functionaries should be necessary, particularly when the normal life of the Assembly is coming to a close.

**Mr. NUR AHMED:** Sir, with your permission I wish to make a few observations on the Budget estimate so ably presented to this House by the Hon'ble the Finance Minister.

Sir, before the formation of this new Ministry we read many things in the newspapers and I hoped—really lofty expectations were raised in our minds and we thought—that the much-quoted slogan of the Hon'ble the Chief Minister that he will make necessary provision for

the *dalbhat* of the poor people of Bengal was going to be fulfilled this time. Sir, with that expectation I opened the pages of the Budget but could find no indication in that direction. The Budget is the replica of the bureaucratic Budget and the Hon'ble the Finance Minister for whom I have got the highest respect has taken shelter under the War. It is a War Budget. It goes to show that this Budget is not a Budget of Nation Building but it is a Budget of Nation saving. Sir, if I be allowed to use the word, I think it is a Budget which will not save the Nation but which will go to benefit a few lakhs of people who live in the urban areas. The learned Dr. Mookerjee rightly stressed the fact that this Budget missed the important item of Nation-building and the Hon'ble the Finance Minister himself has admitted it in his memorandum. Sir, this Budget is disappointing from all aspects and it is not worthy of the Hon'ble Minister who has presented it.

I am fully conscious of the limitations under which the present Ministry had to labour in view of the short time at their disposal to present a Budget. I am reminded of the pronouncement made in this House by one of the intellectual giants who declared, if I remember him aright, that he could produce a Budget in 3 hours' time; but in spite of 3 weeks' time this Budget could not be made more satisfactory. Again, this Budget is a deficit Budget. It is very unfortunate that this province is being confronted with a deficit Budget from 1939-40. This reflects no credit on the Ministry which calls itself progressive. Moreover, this Budget is called a War Budget. In spite of increase under the head "Taxes and Duties", this Budget could not be adjusted and balanced. We find on comparison that Rs. 107 lakhs will accrue from three new taxes in the current year. Dr. Mookerjee has already referred to the assurance given by the then Finance Minister at the time when these Taxation Bills were passed that the proceeds of this taxation would be spent on nation-building departments. May I pertinently ask whether this has been so or it has been spent on any purpose other than for which it was meant. It is well-known that only 15 per cent. people lives in the city and the sum of Rs. 4 crores out of this taxation is going to be spent on them. We fully realise that the war is coming nearer and nearer, but my humble submission is that it would be more beneficial if, without utilising these taxation proceeds on war emergency, loans could be floated for meeting such extraordinary measures.

Sir, the Hon'ble Minister in his Memorandum has admitted that Civil Defence is a Central charge but has also expressed a doubt as to whether the Provincial Government can be made responsible for that. But at the same time, he has taken away a large slice of money to the extent of one crore 25 lakhs for expenditure on civil defence. With these few preliminary observations, I come to the budgetary figures as given in the Budget Estimates.

As regards the deficit, we find that in 1940-41, there was a deficit of 91 lakhs. In 1941-42, that is during the current year, the closing balance is one crore 50 lakhs revenue and the revenue is higher by one crore 25 lakhs. There is thus an improvement of one crore 34 lakhs. But at the same time the expenditure is higher by 94 lakhs. Going into the details of the Budget, we find that out of this sum, rupees 30 lakhs has been spent on the relief of people in cyclone-affected areas and also for giving relief to the sufferers of the Dacca Riot. Coming to another aspect of the Budget Estimate, we find that in 1939-40 a sum of rupees 3 lakhs was allotted for Civil Defence. In 1940-41 it was increased to 7 lakhs and in the Budget Estimate for 1941-42 a sum of 7½ lakhs was provided but in the revised Budget it has been raised to 78 lakhs. Thus, we find that the greatest increase has occurred under the head "Civil Defence", on A. R. P. measures. This gives a very gloomy picture of this year's Budget. This sum will be spent for taking necessary precautionary measures and saving the people from any possible air-raid. This sum is to be spent mainly within the danger zone, that is, Calcutta, Chittagong and Asansol. Sir, I am a resident in the town of Chittagong and I know very well how this sum is being spent in Chittagong.

I find from my bitter experience that there is no method in this expenditure, and it is being very hurriedly spent on the measures. The contractors make huge profit. My appeal to the Hon'ble Finance Minister is that he would kindly see that this valuable money is not mis-spent and it is spent for the very purpose for which it is meant.

Then, Sir, there is another aspect of the Budget about which I wish to make a few observations. It reflects great credit on the part of the last Government that they could spend a sum of Rs. 2½ crores towards agricultural loans. There was a terrible distress amongst the agricultural population of Bengal and the ex-Government really rose to the occasion and spent as much as Rs. 2½ crores. As regards agricultural loan, I have got my humble suggestion to make; from my humble experience I find that often time the really needy peasants do not get this loan. There is a legal difficulty also in their way. The loans are advanced to groups of 4 or 5 at a time and unless they can get hold of other 3 or 4, they cannot get the loan. Another aspect of this loan is that it goes to the pockets of persons known as middlemen in their respective villages or to the pockets of those who have influence with the Circle Officers or other agencies through whom these loans are distributed.

Sir, I may observe that of the increased taxation receipts, that is out of Rs. 1 crore 7 lakhs will be spent on items under head "Extraordinary Charges". It is regretted such a high percentage of the increased receipts should be spent on items under head "Extraordinary charges".

There is a spark of hope and that hope is that an additional sum of Rs. 30 lakhs has been provided in the Budget and out of that sum only Rs. 5 lakhs and odds under "Education".

Sir, the Hon'ble the Finance Minister who is a veteran educationist knows very well the educational conditions of the illiterate masses. Sir, he has got the opportunity and a unique opportunity has presented itself to him to serve these poor masses in whose name we always speak and we always say we are their representatives. Sir, really we expected many things from a veteran educationist like our Finance Minister but in this respect we have been utterly disappointed.

Sir, I do not like to quote comparative figures of other provinces to show that Bengal is lagging behind in the field of mass education. Sir, there was a time when Bengal was in the forefront; Bengal once led the rest of India but to-day it has fallen on evil days. From the educational point of view the Bengalee masses have sunk deep: are sinking deeper and deeper in the welter of illiteracy. Sir, since the advent of the British rule in this country, illiteracy in the whole of India has increased year after year. To-day even after 200 years of a so-called civilized British rule we find that in India about only 10 per cent. of the people are literate. It reflects a great shame on us that even after Provincial Autonomy things have not changed considerably. If you compare the sums of money spent on "Primary Education" by other provinces of India, we really feel ashamed of our own province. A province which has the largest population spends so little a sum on Primary Education. Of course, during these 4 or 5 years the expenditure under head "Primary Education" has been doubled but that is up to 50 lakhs. I think it is a drop in the ocean. It should have been at least 2 crores by this time. A good sum of money which is obtained from the new taxation measures should have been diverted to this most important Nation-building Department. Sir, it is evident that mass education is the sub-stratum on which a Nation's progress is based. Sir, all aspects of human progress depend on this most important element.

Sir, it is said that primary education is the birth-right of every citizen. Sir, even the Congress has declared that universal and compulsory primary education is one of the fundamental rights of the people of India. Sir, because this new Ministry includes two of the prominent members of the Congress Forward Bloc I thought that the expenditure under that head might be increased at least to some extent. A pitttance of Rs. 6 lakhs is nothing for the purpose.

There is another aspect to which I wish to draw the attention——

**Mr. PRESIDENT:** Will the honourable member take a little more time?

**Mr. NUR AHMED:** Yes, Sir.

**Dr. SYAMAPRASAD MOOKERJEE:** Sir, may I express my apology to the House that on account of an unavoidable engagement I have to leave the Chamber. I have requested my honourable colleague Mr. Santosh Kumar Basu to take notes of the speeches. I hope the House will excuse me.

**Mr NUR AHMED:** As I was saying, Sir, there is another aspect to which I wish to draw the attention of the Hon'ble Minister and that is that nothing has been allotted for the advancement of Muslim Education in this year's Budget. Although it is an admitted fact that the Muslim community are very much backward in modern education, it is far from our mind that unjust concession should be made for their education. But, Sir, it is being said that instead of encouraging the rapid advancement of education among the Muslims, the provision which had been made in the previous year is going to be omitted in the revised Budget. For example, the grant which was being given to the Fazlul Huq Muslim Hall at Dacca is going to be omitted. It is most regrettable that the progress of Muslim education should be hampered in this way. The Muslims form the majority of the population in this province and it is reasonably expected that they should at least be equal in the field of education. The Hon'ble Minister for Education knows very well what the Muslim community wants. He also knows that meritorious boys and girls cannot proceed with their higher studies for want of adequate means. It is the appalling poverty which is retarding the progress of Muslim education in Bengal.

Sir, in 1938 in this very Chamber I moved a resolution for an additional allotment of 25 lakhs for the advancement of Muslim Education. This House was good enough to accept that resolution unanimously. Then I put a question in 1939 regarding this resolution and the Hon'ble the Chief Minister who was then also in charge of Education, gave a definite assurance that the resolution would be given effect to. Since then two years have passed but nothing has been allotted even in this year's Budget estimate for this purpose. There is another aspect of the matter which has been so pointedly alluded to by the Begum Sahib and it is the lack of adequate funds allotted in the Budget for advancement of female education in Bengal. The condition of female education in this Province is more appalling than it is elsewhere; especially among the Muslim community female education is hopelessly backward and an adequate sum of money should be provided for the opening of special schools and grant of scholarships for the encouragement of higher education among them.

Another fact to which I wish to draw the attention of the Hon'ble Minister is that the grant for training the teachers of primary schools has been reduced by half. It is a well-known fact that in this province money spent on primary education has been merely wasted because

boys and girls who go to primary schools do not get that sort of literacy which can be useful to them in after-life. So, trained teachers and a large number of trained teachers is the cry for the improvement of Muslim education. One-teacher school also is a great defect. It is a fact that the percentage of trained teachers in Bengal is the lowest of all the other provinces, with a few exceptions. Therefore, if education has got to be improved and made efficient, it is necessary that the same sum at least should be provided but on the contrary it has been reduced by half. Another matter which has been alluded to by Begum Hamida Momin is a provision of one lakh of rupees for communal harmony in this province. Sir, this is a matter which is very dear to my heart and, speaking personally and individually, throughout my life, I have thought it my sacred duty to do all I can to bring about and promote communal harmony. It was only the other day that I moved a resolution on this matter but was grieved to see that I got very little support in its favour. If I remember aright, none of my Hindu friends took part in the discussion on that resolution and practically I was pooh-poohed and ridiculed at the time. I am therefore very glad, Sir, to see that within a very short time a kaleidoscopic change has taken place in the outlook of the Ministry and they have accordingly come forward with a pretty sum of one lakh of rupees.

My apprehension is that this sum may not be spent properly and that it may be spent for propaganda in favour of the present Ministry. I think this is a matter for which every Bengali should strive. We, Hindus and Muslims, have been living in this land not for one or two centuries but for many many centuries together as good neighbours and we so long worked together, and we have been associated together for the good of this country. In the Mogul period and in the Pathan period we had been living together without any animosity and there used to be very little clash between Hindus and Muslims. Even Hindu generals used to be sent by Muslim emperors against Muslims: such good confidence existed at that time. But we find now that the condition has changed and changed for the worse. We are now quarrelling with each other in a disgraceful manner. I would request the Ministry that the money be spent in such a way as would make a change of heart among the two communities possible. What is needed is a change of heart. Unless there is a change of heart, no amount of money will be worth spending. I do not believe in pact, in understanding and in agreement. They will not cure the disease, unless we change our hearts, unless we have confidence in each other and unless we have respect for each other.

Then, Sir, there is another matter to which I would like to draw the attention of the House. I find that since the inauguration of the Provincial Autonomy the resources of Bengal have been increased to the extent of 13·6 per cent. by the new taxation measures. But

expenditure on nation-building departments has been enhanced only by 2 per cent. In the pre-Autonomy days it was 22 per cent., now it is 24 per cent. It is a sad commentary on the Provincial Autonomy in Bengal. Again, Sir, comparing the Budget figures of 1938-39 with those of 1941-42, we find that there has been an increase of Rs. 7 lakhs under the head "Land Revenue", 2 lakhs under the head "Excise" and 2 lakhs under the head "Forest". And there has been a rise of Rs. 18 lakhs under "General Administration." Even this year's Budget provides for approximately 2 lakhs increase. Cry after cry has been raised from this House, from public platforms that the expenditure under this head should be curtailed. But instead of that what do we find? There is a gradual increase under the head "General Administration". Sir, this increase of two lakhs has occurred under a progressive Government and that does not redound to the credit of the present Ministry. Sir, I hope and trust that a serious attempt will be made to reduce expenditure under "General Administration." Sir, it is a black spot which cannot be justified.

Sir, there is another much-criticised department and that is the "Police". There is an increase of 27 lakhs under this head. Sir, it is fortunate that this Ministry includes one as the Chief Minister who declared more than once in his public speeches that if he was given the power to manage the police force he could manage with ⅓rd of the expenditure which was being spent on it. But contrary to his previous speeches, he as Chief Minister has allowed an increase of expenditure under the head "Police". Sir, I am conscious of the fact that Police is a very necessary element in the public life of any administration. They are necessary for the protection and safety of the people. But comparing the figures of other provinces we find that Bengal has been spending a disproportionately large amount on Police. Sir, Madras with double the area of Bengal and with an equal population spends much less; so also Bombay. Even the Punjab, where the crime ratio is greater is spending comparatively much less whereas Bengal spends the highest amount. I appeal to this Ministry that during their regime at least this charge should be readjusted in such a way that the expenditure is brought down, ensuring at the same time that the efficiency of the force is not affected. Sir, I find that under head "Education" there has been an increase of 35 lakhs while at the same time I find there is a decrease of 86 thousand under head "Medical". Sir, medical relief is a thing which is necessary to keep the people healthy. Sir, a large number of people dies every year from malaria, cholera and other preventible diseases. Sir, the peasantry of Bengal had reached a stage—as Mr. Bentley so aptly said—that they live on a diet on which even the rats cannot live for a week. So for the peasantry medical relief should be amply provided. But we find from the Budget figures that the provision for the establishment of village

dispensaries has been reduced and in the direction of rural reconstruction, the allotments for rural sanitation, rural water-supply have all been reduced. This is not good. Sir, may I ask the Hon'ble Ministers whether they are justified in taking away this money meant for these poor men while they are spending crores for the little few who live in urban areas.

Sir, I find there has been an increase of Rs. 8 lakhs during these 5 years under the head "Public Health", Rs. 2 lakhs under "Co-operation" and only 4 lakhs under "Industries". Now, Sir, this is the proper time for the development and encouragement of cottage-industry and other industries. Taking advantage of the situation which has been brought about by this devastating war, other provinces are forging ahead with their industrial expansion. For example, many industries have been rapidly expanded in the Punjab under State patronage. But to our great regret, to our great disappointment we find in Bengal that nothing has been shown in the Budget for giving aid to the industries. It is an admitted fact that unless the industries and agriculture are developed, there will be no solution of the unemployment problem. Government service and private services cannot absorb all the unemployed people. It is a very opportune moment for the Government to come forward with a scheme for the improvement of cottage-industries and other big industries. It is very disappointing that no adequate provision has been made under this head in the Budget.

Next we find an increase of Rs. 27 lakhs under "Civil Works". Under war conditions I think this is the only department in which expenditure should have been curtailed but even in this department we find expenditure has been increasing. Under "External Charges" also I find an increase. Since the inauguration of the Provincial Autonomy there has been an increase of Rs. 153 lakhs under this head.

There is another matter to which I wish to draw the attention of the Hon'ble Finance Minister and that is under the head "Ministers' salaries". The expenditure under this head has increased from Rs. 4,51,000 to Rs. 5,00,019. I fail to understand how can there be any increase. The number of Ministers has been reduced and in the Ministry there are gentlemen who used to talk of receiving Rs. 500 or Rs. 1,000 monthly. But in spite of all these there has been an increase in expenditure.

There is another item in the Budget which has also been alluded to by Begum Saheba and that is with regard to the appointment of Parliamentary Secretaries for which a provision of Rs. 48,000 has been made in the Budget.

I may in this connection make a comment on the appointment of 18 Whips. It is felt that there is no need for the appointment of so

many Whips. Sir, the number of Ministers is nine but the number of Whips, including one Parliamentary Secretary, is eighteen. As I have already said, the revised figures omit such useful projects as 1½ lakhs of rupees for the Fazlul Huq Moslem Hall, one lakh 43 thousand for training centres for primary school teachers——

**Mr. PRESIDENT:** Order order. The honourable member has already spoken for 45 minutes. He should now try to conclude.

**Mr. NUR AHMED:** All right, Sir. The provision of Rs. 80,000 for the much-needed adult education has also been omitted.

Sir, judging from these provisions and non-provisions, I must say that the Budget is most disappointing and unsatisfactory from all points of view. It does not contain any planned policy nor does it show that the Ministry is going to launch upon any project beneficial to the people of Bengal.

(After Mr. Nur Ahmed had finished, no member rose to speak.)

**Mr. PRESIDENT:** If no members are willing to take part in the general discussion of the Budget, then it will be the duty of the Chair to conclude the general discussion and ask the Finance Minister to reply to the debate.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** On a point of explanation, Sir. As has been already stated by Mr. Humayun Kabir, we did not have sufficient time to go through the Budget papers to be ready to discuss it today. So we could not get ourselves prepared for today—I mean all of us. But two members of this party have given their views on the Budget.

**Mr. PRESIDENT:** I appreciate the point already made by Mr. Humayun Kabir and now by Khan Bahadur Saiyed Muazzamuddin Hosain. It is unfortunate that there has been an interval of two days only since the presentation of the Budget in this House and that the Council had sittings on both these days. I realise the difficulty of the honourable members, but my difficulty consists in the fact that these dates are fixed by His Excellency the Governor acting in his individual judgment under rule 13 of the Governor's Rules, which runs as follows:—

> "On a day or days to be appointed by the Governor exercising his Individual judgment subsequent to the day on which the Budget is presented and for such time as the Governor exercising his individual judgment may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein."

Honourable members will, therefore, realise that neither the Chair nor the members of the House have any right to criticise the decision of His Excellency, when in his individual judgment he has allotted these days for the discussion of the Budget. Nevertheless, I consider it necessary to state that it is the duty of the Government to place before His Excellency the fact that if there is no interval between the presentation of the Budget and the general discussion thereon, it causes inconvenience to the members to make comments on the Budget with advantage, so that necessary steps may be taken in this regard in future. If there be no interval before the general discussion is taken up here, it is very difficult to take up the discussion of such an important matter as the Budget, particularly for this House where there is no voting of demands for grant and where a general discussion is the only chance that the House gets of giving its views on the Budget of the Government. I would, therefore, request the Hon'ble Ministers to bear this point in mind in the future. Under these circumstances, I adjourn the House now but I expect that there will be no dearth of speakers when the House meets on Monday next.

## Change in the time of the sitting of the House.

**Mr. PRESIDENT:** I have a further announcement to make and that is with regard to the change in the time of the sitting of this House. Representations have been made to me by the Leaders of the different parties in the House that the time for the sitting of the Council may be delayed by half an hour. I agree with this point of view and I hope it will be convenient to all the honourable members. I have also to inform the Government that in future the Council will ordinarily sit at 2-45 p.m. instead of at 2-15 p.m.

The House now stands adjourned till 2-45 p.m. on Monday, the 23rd February.

## Adjournment.

The Council then adjourned till 2-45 p.m. on Monday, the 23rd February, 1942.

## Members Absent.

The following members were absent from the meeting held on the 20th February, 1942:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Altaf Ali.
(3) Mr. Kader Baksh.
(4) Rai Bahadur M. N. Bose.
(5) Mr. N. C. Datta.
(6) Mr. K. K. Dutta.
(7) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(8) Mr. Mohamed Hossain.
(9) Khan Bahadur Syed Muhammad Ghaziul Huq.
(10) Mr. Humayun Kabir.
(11) Khan Bahadur Muhammad Asaf Khan.
(12) Maulana Muhammad Akram Khan.
(13) Mr. W. B. G. Laidlaw.
(14) Sir T. Lamb.
(15) Mr. J. McFarlane.
(16) Mr. Naresh Nath Mookerjee.
(17) Mr. T. B. Nimmo.
(18) Khan Bahadur Mukhlesur Rahaman.
(19) Khan Bahadur Kazi Abdur Rashid.
(20) Dr. K. S. Ray.
(21) Sir B. P. Singh Roy.
(22) Raja Bahadur B. N. Sinha.



B. G. Press—1941-42—12820A—750.

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session—No. 5.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 23rd February, 1942, at 2-45 p.m., being the fifth day of the First Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

## QUESTIONS AND ANSWERS

### Questions which remained unanswered during the Third Session of 1941.

### Dacca Riot.

**48. Rai Bahadur B. N. SINHA, of Nashipur:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the number of persons injured or killed during the riot at Dacca in September and October, 1941;

(*b*) how many of them are Hindus and how many Muslims;

(*c*) how many of them are respectively male, female and children;

(*d*) how many of them had to be sent to hospital;

(*e*) what was the cause of the last riot; and

(*f*) what action the Government have taken to stop the occurrence?

**MINISTER in charge of the HOME and PUBLICITY DEPARTMENTS (the Hon'ble Mr. A. K. Fazlul Huq):** (*a*) and (*b*)—

| | Total. | Muslims. | Hindus. |
|---|---|---|---|
| Injured .. | 249 | 213 | 36 |
| Killed .. | 21 | 8 | 13 |

(*c*) One old Hindu woman's body was recovered with wounds which may be homicidal and one boy of 12 was amongst those injured.

(*d*) The figure readily available is 88, but this may not be complete.

(*e*) I refer my honourable friend to the communique issued on the 30th October, 1941.

(*f*) Action has been taken and has hitherto proved successful. Details are given in the communique already mentioned. In addition a Bengal Turbulent Areas Ordinance was promulgated on the 4th November, 1941, and since then it has been possible gradually to relax the restrictions imposed.

**Rai Sahib JATINDRA MOHAN SEN:** Will the Hon'ble Minister be pleased to state if the report published in the newspaper that the Government are contemplating withdrawal of the orders against both Hindus and Muslims in connection with the riots at Dacca, is true?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Nothing has been decided but the matter is being considered.

**Detenus and political prisoners.**

**49. Mr. LALIT CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many detenus there are at present in Bengal, movements of how many have been restricted, how many are convicted political prisoners, and how many are civil disobedience prisoners?

(*b*) Is it the intention of the Government to consider the question of the release sympathetically and release them without any further delay? If not, will Government be pleased to state their grounds for such refusal and if this refusal is applicable to all the different classes of political prisoners mentioned in the previous question?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*)—

| | | | |
|---|---|---|---|
| (*i*) Terrorist convicts | ... | ... | 60 |
| (*ii*) Prisoners under the Defence of India Rule | | ... | 110 |
| (*iii*) Persons restricted under Defence of India Rule 26 (*1*)— | | | |
| (1) Security prisoners— | | | |
| Ordinary | ... | ... | 265 |
| Special | ... | ... | 1,105 |
| (2) Otherwise restricted | ... | ... | 2,011 |
| (*iv*) Civil disobedience convicts | | ... | Nil |

(*b*) The matter is under consideration.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister be pleased to state whether the figures given are the latest figures?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** The figures were collected for answer due on the 4th December, 1941. Since then they have been brought, not up to date, but up to the middle of January. So, strictly speaking, these figures are not up to date.

**Mr. HUMAYUN KABIR:** Will the Hon'ble Minister be pleased to state if the arrest made in each case has obtained the approval of the Hon'ble Ministers?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** It is a very embarrassing question. The consent of the Ministers cannot always be obtained.

**Mr. HUMAYUN KABIR:** Are we to understand that in some cases arrests were made without the consent or even knowledge of the Ministers?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sometimes arrests are made and then it is made known to the Ministers.

**Mr. HUMAYUN KABIR:** Is it a fact that in the case of arrests made under the Defence of India Rules, arrests can be made by local officers, only with the authority of the provincial Government?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Powers are delegated to local officers.

**Mr. HUMAYUN KABIR:** Are we to understand that the local officers exceeded their powers in making arrests directly without reference to the provincial Government?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Even when arrests are made by local officers on their own authority, we get an opportunity to see whether the action is justified or not.

**Mr. HUMAYUN KABIR:** Are we to understand that the Ministers are only given the pleasure of having a post-mortem examination on acts already committed?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Not always. The orders are framed and issued to local officers. It is in those cases that the Ministers are not consulted. But in other cases the Ministers are consulted.

**Mr. HUMAYUN KABIR:** Will the Hon'ble Minister be pleased to represent to the Government of India that arrests made without the consent of the provincial Government are in many cases of doubtful validity?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** At the present moment, in consequence of the grave war situation the officials are allowed a certain amount of latitude with which the Ministers do not think it proper to interfere; but ordinarily it would not be a correct procedure, as has been mentioned by the honourable member.

**Dr. RADHA KUMUD MOOKERJI:** Is the Hon'ble Minister satisfied with the position that in a grave matter where the liberty of a citizen is concerned, the mere consent and authority of local officers may do without prior reference to the Minister concerned?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Certainly it is not a satisfactory position but the whole of the present position is unsatisfactory.

**Dr. RADHA KUMUD MOOKERJI:** Thank you.

**Mr. SHRISH CHANDRA CHAKRAVERTI:** Arising out of answer (*b*)(*iii*)(*2*) "Otherwise restricted," will the Hon'ble Minister be pleased to state who are these persons "otherwise restricted"?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I find from the papers that in many cases orders of restrictions are passed and they are sometimes obeyed and sometimes if they are not found convenient, they are disobeyed. If they disobey, they are tried and convicted so that it is difficult to make out a complete list of persons who are restricted in various ways. That is how it is put down as "otherwise restricted".

**Mr. SHRISH CHANDRA CHAKRAVERTI:** Is the restriction made under the Defence of India Act? What is the character of the offence they committed and under what Act, if any, they are restricted?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Generally, they are persons who have been convicted in consequence of disobeying the restrictions in force.

**General Discussion on the Budget.**

**Mr. PRESIDENT:** The House will now resume further general discussion of the Budget. Under rule 15 of the Bengal Legislative Council (Governor's) Rules, I fix 20 minutes as the time-limit for each speaker.

**Mr. KAMINI KUMAR DUTTA:** Sir, I agree with the Hon'ble the Finance Minister's statement that the present Ministry is burdened with the heritage and the commitments of their predecessor. There can be no denying that fact. All the same, I must congratulate the Hon'ble Finance Minister for not imposing any fresh taxation at this stage. But at the same time one cannot help observing that no radical change is discernible in the framing of the budget. It looks really like the Budget of the previous Ministry with a little gloss here and there. It is quite apparent—and one has to acknowledge it—that the present Ministry is also hedged around by the steel-frame of the Constitution and they cannot expand as they like. But one is bound to observe that there appears to be no alert mind behind this budget,—a mind which will actually work out a plan for the uplift of the nation. Of course, looking to the exigencies of the War situation, I must frankly admit that I agree with the Hon'ble Finance Minister that in the present critical International situation the budget of any Government can only be a Nation-saving one and not a Nation-building one. No doubt we have to save ourselves first and then only the question of building the Nation will come. To that I think no objection can reasonably be taken. But even from that stand-point the budget ought to be scrutinised as to whether it is really a budget of which the object is to save the nation from the perils and the evil effects of the war. It is not possible really for a provincial Government to provide for the safety of the population from the military point of view, but at the same time the provincial Government must exert its utmost to save the people from the evil effects of the war. Now, the latest development in the war situation has brought the war almost to our doors. The shadow of war is now over the province of Bengal. It seems clear that Bengal may be the first victim of the war among the provinces of India. So, the Ministry will have to consider the whole situation and to provide for air-raid precautionary measures as far as it is possible for the provincial Government to do so. Now, in saying that the provincial Government should provide for the emergency, I do not ask the provincial Government to make arrangements to resist an invasion or to resist an aerial attack. But at the same time there are some duties imposed upon the provincial Government to provide agaiust such things as injuries due to aerial attacks in the case of any invasion or of any disturbance occurring in the course of the war. There is likely to be internal dislocation in the

country. The unsocial elements may take the upper hand. Lessons in such matters ought to be taken from the experiences gathered in Burma. In the allotment made in the budget, I find there is some provision made for A.R.P. arrangements. But would that suffice? Practically, A.R.P. provisions would apply to the large cities which are liable to aerial attacks, but it would not really solve the whole problem. For, with the development of the war situation there will not only be cases of air-raid victims for which provision has to be considered but provision has also to be made for safeguarding the morale of the whole nation. Steps should be taken to see that there may not be any economic breakdown in the country. It is the morale of the nation which ought to be preserved and for which Government should exert its utmost. The condition of the civil population is to be looked into and their morale carefully safeguarded. For example, the moment Bengal becomes the victim of air-raid, there will be dislocation in transport, there will be dislocation in trade and the inevitable result of that will be the shortage of the elementary necessaries of life in the rural areas and even in cities which are far away from Calcutta. Transport facilities will not then be available to the civil population, because the military will be bound to utilise them. Therefore, the provincial Government ought to take the present opportunity by the forelock and take all precautionary measures against the dislocation and the breakdown of the transport system of the country.

The provincial Government must take into account the possibility of large-scale industries being damaged. Sir, China has shown and shown successfully during the last 4½ years what can be done by a determined Nation to develop, not only large-scale industries but also industries which will meet the needs of the people, the ordinary requirements of the people. There may be food shortage. The Agricultural Department should take steps to see that the agricultural population of the Country must devote their energies to the production of more food crops than commercial crops. They should be informed that there would be no more facilities for export of their commercial crops; so it is time for them to produce food crops and raw materials which the national industries of the country will require. Sir, it may be said that Government cannot start industries but that Government's business is to enable the country to take the initiative. It is Government's business to give proper instructions and to show the path and give the lead; and unless the provincial Government do take any initiative now in this direction, rural life of this province would be dislocated and once the moral life of the people of a country is dislocated, there would be complete breakdown of the nation; and once there is a moral breakdown, we are doomed for ever. So, to prevent that moral breakdown, the provincial Government must take measures to see that provision is made for

meeting the ordinary requirements of the nation. We need not now think of the large-scale industries and other things, but certainly steps should be taken to develop small industries suited to the needs of the people. Therefore, I say that the countryside of the province of Bengal should be made self-sufficient. Mere tinkering with the situation will not do. The appointment of a few officers who would just parade in the countryside with hats on their heads and shirts and shorts on—this will not serve the purpose, Sir. This I say from personal experience because I have seen this with my own eyes. We have seen that under the last Ministry there were many departments working for rural reconstruction, but what we found was that it was not real reconstruction in the rural areas that was being done but actually it consisted of the unmethodical and planless movements of some fortunate recipients of official patronage. But this should not be repeated. Sir, one honourable member says that something is better than nothing. Of course, it is so; but when that something only means the maintenance of the supporters of the Government, we must record our protest against it. Therefore, I would emphatically warn the present ministry not to pursue that course of action.

Now, Sir, as regards Civil Defence, I do not find any mention of it in the Budget. It has been mentioned in the speech of the Hon'ble Finance Minister. But if it simply means having a few civic guards and such other organisations that we see here to-day, then I would request the Ministry and the Hon'ble Finance Minister to gather full information about the conduct of these civic guards in Rangoon and in other towns of Burma after the aerial attacks were over as to whether they were really the messengers of protection and relief or of loot and arson.

**Mr. HAMIDUL HUQ CHOWDHURY:** They will run away.

**Mr. KAMINI KUMAR DUTTA:** My friend says they will run away. But reports from Rangoon say that they did not run away with empty pockets. So, proper arrangements should be made in the scheme for Civil Defence too. The people of the country ought to be taken into confidence and the civil force of the province ought to be mobilised, confidence ought to be reposed on the leaders of the people. The social forces of the country should be mobilised in order to check the unsocial elements. The present Ministry must make a move and repeal the present Arms Act. Can we not expect even at this stage that everyone in the country ought to be given free scope for the use of arms to protect the sanctity of our homes—our women-folk and our hearths and homes? When we think of our helpless position, we hang down our heads in shame: we cannot defend our hearths and homes and our women—our mothers and sisters even from the attacks of ordinary marauders. Do we lack in courage? We do not. Because,

we now find that those who say that we are lacking in courage are themselves lacking in courage and are running away from the places where there are aerial attacks. So courage is not their monopoly. (MR. HAMIDUL HUQ CHOWDHURY: Yes, they are running away.) So my friend says they are running away. I think my friend has been contaminated by the spirit of the past Ministry. But, Sir, it should be the aim of the present Ministry to move in this matter to see that the Arms Act is repealed and we are allowed to have free use of arms, if not for any other purpose, at least to protect our hearths and homes. This sort of tinkering measures here and there would not do.

As regards evacuation arrangements, I would ask the present Ministry to take a lesson from what happened in Rangoon. Yesterday, I had an opportunity of meeting some evacuees from Rangoon, both rich and poor, and heard their tales of woe. Provision should be made not only for the safety of the evacuees, but provision should also be made to give shelter to those persons who are compelled to evacuate from towns which will be subjected to air-attacks. The provision which has been made at present is absolutely inadequate. Then, Sir, better provision ought to be made for their food and clothing. They have to live first. It is our primary duty to see that the people of the country—the children of the soil—get shelter and food. Then their growing needs could be met afterwards which will take time.

In this connection, I would like to draw the attention of the Ministry to one matter and it is that the Ministry should see that food crops are grown in larger quantities in some portions of Eastern Bengal. In certain parts of Tipperah from where I come, owing to inundation, no crops can be grown at all. Expert non-official opinion shows that the inundation is due to the opening of the new railways. Thus, it has become an annual affair there. It is, therefore, the duty of the present Ministry to study the condition there and see whether different crops could be grown in different seasons and if that part of the country could be made a crop-producing area. Otherwise, after a few years the people in that part of my own district would be compelled to abandon that area altogether. It is, therefore, necessary that the problem ought to be studied scientifically.

I will not deal with the other small matters in the budget. One could criticise this item and that and one could have suggested many other things but the predominant idea in our minds now is, as I have said, to save the people of this province from possible air-raids by the enemy. Sir, I am coming from Chittagong direct; I had been to some part of Assam also myself—and I have found that the predominant idea of the people in those parts of Bengal is first to save themselves from the ravages of the war. The people are flocking from the towns to the rural areas. But mere flocking to the rural

areas would not save them. Provision must be made for their maintenance. People are leaving their employments in the towns and they are going away to the rural areas thoughtlessly without knowing what they would do there. They only think that by doing so they would anyhow save themselves from the aerial attack. So I say that the Provincial Government must look to them. If small industries are opened in the rural areas, as has been done in China, they would not only supply the necessaries and requirements of the people but would also give employment to a very large section of the public who have been or who would be thrown out of employment.

Then, with regard to Education and other matters, I would not refer to them in detail but one particular item I shall refer to and that item is adult education. I say this because (no doubt those who are receiving primary education is our future generation but) it is the present generation which would really have to face the present-day situation of the world. So, there must be adequate facilities for adult education. Teach the people the real value of things around them and not to be taken away by this slogan or that slogan.

Last of all, I would like to say something as to the amount which has been allotted for bringing about communal harmony. I would ask for more. I am one of those who think that this is a matter on which any amount spent will be well-spent. At any cost, communal harmony ought to be established but I would warn against particular party interests being advanced through this back-door. Real harmony must be established; real amity and concord must be promoted between the two communities. I think, Sir, this is an opportune time for a move in that direction, because this war has to a considerable extent wiped out the internal dissensions and so the present time is ripe for establishing communal harmony and for mutual understanding of the eternal truth that India is one and indivisible and that what we want to be saved is a Bengal, whole and united, and not simply a Hindu or a Muslim Bengal.

**Mr. SACHINDRA NARAYAN SANYAL:** Sir, I must confess that Bengal's Budget Estimate for the ensuing year falls much below popular expectation but when we take into consideration the fact that it is mostly a legacy of the past, we appreciate that the Hon'ble the Finance Minister has in addition to that legacy been immensely handicapped by the menacing International situation. We have nothing but words of praise for his Nation-saving budget. With the alarming situation in the Far East, we did not and cannot look to any spectacular lead in budget-making. As such, it was but natural to expect that the old deficit will continue and that a lump-sum provision will have to be made for Civil Defence. Sir, I do not for a moment question the propriety of such a big allotment for Civil Defence. But may I take the liberty to enquire if any well-thought out scheme for

effective Civil Defence has been drawn up? We are anxious to have further and fuller details regarding the measures which the Government propose to adopt for the preservation of internal security of our beloved Bengal. People of Bengal expect this popular Ministry to disclose to what extent effective steps have been or are being taken to tackle various problems of the evacuees. The moffusil towns and villages have been over-crowded with refugees and it is therefore essential that adequate and urgent steps should be taken to improve the sanitation, food supply, etc., in these areas so that no epidemic or famine may break out.

I may also state that the Cabinet will earn the eternal gratitude of the people if they chalk out a constructive policy by organising a national militia, subsidising armament and anti-air craft factories and by effecting an immediate repeal of the Indian Arms Act.

Sir, another important feature of the budget is the allotment of one lakh of rupees for the promotion of communal harmony in Bengal. I take this opportunity to congratulate the Government on their far-sighted policy of restoring communal amity and hope that they will achieve the whole-hearted support from all quarters for their sincere efforts in this direction.

Coming to the general items of expenditure, I may point out that steps should immediately be taken towards effective protection of the Rajshahi town against erosion of the river Padma. A comprehensive scheme should be drawn up in collaboration with the Rajshahi municipality, Rajshahi district board and the Rajshahi association, so that the town may be saved.

In connection with grants for miscellaneous purposes or scientific research, I may mention that some provision should be made for the Bangiya Sahitya Parishad as an encouragement towards their splendid services.

Sir, it is admitted that Civil Defence has over-shadowed all other items of expenditure in the present budget. But the country expects much more from the present national Coalition Government whose sound judgment and enormous capacity for work conducive to the welfare of the nation is too wellknown.

We, therefore, hope that side by side with effective Civil Defence or Nation-saving measures, the Government will devise ways and means so that literacy may spread, diseases disappear and the exploitation of the poor ceases to exist.

**Mr. HAMIDUL HUQ CHOWDHURY:** Mr. President, Sir, I find that the Hon'ble the Finance Minister is not present in the House.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I am taking down notes for him.

**Mr. HAMIDUL HUQ CHOWDHURY:** Sir, with some curiosity I read the financial statement of the Hon'ble the Finance Minister with a view to see if there was any light in that statement of a new policy that is likely to be initiated by the new Ministry. But I must say that I have been, as most of us who have already spoken from both sides of the House have stated that they have been, disappointed. The Hon'ble Minister has given some reasons. He has stated before the House that they had only two months at their disposal to frame their budget and that only three weeks' time was left to draw up the whole budget. That is true; but as the present system is a parliamentary system of Government, every party has to keep its programme ready and should be always ready to come into office. Sir, with a change of the Ministry, not only some new persons come into office but the whole programme of that party also comes in. So, it is absurd to say that it was not possible for them to be able to shape the Budget or to give effect to some at least of the important measures. So far as the present Budget is concerned, it has not got any new scheme worth the name to put forward before the House.

The next ground he has stated is that it is a war-time budget. By war-time budget, I thought the budget would be a much more expensive budget but that is not the case. We have been hearing everyday that the present war is a total war, because it is being fought in every department of life.

It is fought on the field, it is fought in the huts of the cultivators, it is fought in the factories; indeed it is fought in the cities as much it is fought in the battlefields. Therefore, Sir, if we have got to stand up to a war of such a character, namely, a total war, then we must look at all aspects of life. Sir, we have heard that every effort is made to destroy the morale of the nation by first of all destroying the food crops and by demoralising the industrial workers and labourers and bringing discontent among them. In this way, war is won and lost. Therefore, the normal working of all the departments is neglected by the Government in the name of war, in the name of fighting the war or rather of shirking the war. I submit that this is no ground or excuse which can justify the Budget as presented by the Hon'ble Finance Minister.

The budget has got its good points as well as its bad points, but most of the good points, I submit, are inherited from the past Government and the Hon'ble Finance Minister has himself admitted it. Although I contend that whatever good points the budget exhibits has been inherited from the preceding Government, yet there are some objectionable features, too, with which I would like to deal. One of the good things which the war has given is an opportunity to improve the industries of this country, to expand our industries. It is necessary that our own industries should be established on a sound footing not

only to meet our civil needs but also to supply our war needs. It is said that India is now producing something like 22 million varieties of items required for the war. If that is so, what advantage is our Government taking of this situation? Whatever industry this province has got belongs to foreigners. Most of the large-scale industries of this province belong to non-Indians and the major portion of the rest belongs to non-Bengalees. Sir, one of the largest industries in the world is the jute industry of India, and this industry, with the exception of a relatively small portion, belongs to the European community. So, unless the State steps in to the assistance of the people of this province, there cannot be any chance of this province being industrialised. My friend Mr. Kamini Kumar Dutta stated that nowhere in this world does the State take up any industrial enterprise. Sir, that was the slogan which used to be enunciated by capitalists and that was the slogan which we hear in India where capitalist rule still persists. But I may say that even some of the Native States have established large-scale industries within a few years only which could not have been done in a century, if left in private hands. Therefore, if in Bengal we entertain any hope of establishing large-scale industries for solving the unemployment problem, it can only be done by the intervention of the State. The State must come forward and come forward in time when the difficulties as well as the opportunity are both there. I admit that there are difficulties in obtaining machinery as well as of getting expert advice; but these difficulties are more than counter-balanced by the monopoly that we have got after the closure of foreign markets. Private industries will grow up after the State intervenes and starts its own industry; and then Bengal will permanently benefit and prosper in the industrial field.

Next, I come to the budget itself. I shall deal with only one or two items of the budget. First of all, I shall take the Publicity Department which requires examination. In that department we have two lump sums which are provided for in the budget. One is a sum of 2 lakhs for "office and miscellaneous". Sir, the total provision for this department in the budget is a little over four lakhs and the allotment under one head, namely, "Miscellaneous" amounts to 2 lakhs—there is no description nor any detail whatever as regards its nature and on what this "Miscellaneous" allotment will be spent, nor do we know what is the Government's policy with regard to this item.

Sir, the next item is communal harmony. I do not quarrel over this—indeed, I very much congratulate the Hon'ble Finance Minister for the closing words in his speech and the sentiments that he has expressed there about the need for communal harmony. Every one will agree with him and no one would quarrel with him when he says that if communal harmony can be established in this province by

any means whatsoever, it will be of great benefit to the country as a whole. But may I ask him if he has any scheme or if he has provided this money without knowing how he is going to spend it? What does this one-lakh scheme consist of? It is impossible to examine the provision in the absence of any concrete scheme or to give our suggestions on it or criticise it. And who knows that, instead of leading to communal harmony, it may not after all lead to communal disharmony and discord? I do not know whether it has been purposely kept as a sealed thing in order to enable the Ministers to spend the money for party propaganda or for the benefit of political groups, rather than for the advantage of the whole country. I do not know how it will be spent. The Hon'ble the Chief Minister elsewhere has stated that he has called upon the members of the permanent services to frame a scheme. But it seems to be absurd to ask this House to commit itself to this policy of spending a lakh of rupees on communal harmony without the Ministry itself knowing anything about the scheme on which it is going to spend this money. How are they going to solve the communal problem by spending this money? It is their duty and the Ministry owe it to this House that not only they should come forward with a definite proposal but they must give us some outline of the details of the scheme which they propose to give effect to. We do expect that the Ministry should at least give this House an undertaking that before they spend this one lakh of rupees, they will get the sanction of the House to the scheme, if they really want to bring about amity and peace in the country. Sir, I wanted to address the Hon'ble Finance Minister in his presence, but I am sorry to find that he is not present in the House——

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I am taking notes and will convey to him what the honourable member is saying.

**Mr. HAMIDUL HUQ CHOWDHURY:** I am grateful to the Hon'ble Leader of the House.

If your sentiments are genuine as regards communal harmony,—and I hope they are genuine,—then you must demonstrate them by action. If on the one hand you start prosecuting persons of other parties and your political opponents and on the other you speak of communal harmony on the floor of the House, then, it amounts to nothing short of rank hypocrisy.

The next item to which I want to draw the attention of the Government is: what the Government is doing to deal with the situation that the country will face soon. You know, Sir, that war is coming closer to Bengal every day. In fact, it is said that the Bay of Bengal

has become the scene of the activities of Japanese and German submarines and it is natural to think that when they have possessed all the bases right from Moulmein to the tip of Singapore, they will utilise them for the purpose of raiding this land of ours. The result will be that the city of Calcutta, the greatness and importance of which is entirely due to its commercial character, will be closed for the purpose of import and export. Again, Sir, the main item of export, namely, jute, which is grown in large quantity in Bengal, will be seriously affected: factories will be bound to close down except for military purposes. The railways will not be able to carry heavy goods; for as soon as there is a raid in Calcutta, the port of Calcutta will be completely blocked. The harvest season is near at hand. In the middle of December, before the Japanese declared war, the last Government decided to restrict the growth of jute. Has the present Government taken up that policy? Jute, which is in the hands of the cultivators, must be sold and if the Government do not take up this question—at least there is no indication that they are going to revise their policy seriously—and solve the cultivators' difficulties, there will be a big gap in the price of jute between what they are getting now and what they will get in future. Bengal is still an importer of food-crops. Saigon is completely and wholly closed to us as an exporter of food-crop. Rangoon is in danger of being closed to us. Therefore, what will be our food position? If the Government does not take up the question immediately and give necessary instruction to the cultivators to restrict their jute cultivation and then substitute jute by food-crops, you will create a situation in the province which will be difficult to solve and which will lead to much of the discontent of which my friend Mr. Kamini Kumar Dutta has already spoken.

Sir, the Agriculture Department—a department in which I used to take some interest—is one of the primary departments in time of war, and so its budget allotment will have to be looked into carefully. In the year 1941-42, the budget estimate was for Rs. 55 lakhs, whereas for the year 1942-43 it is Rs. 50 lakhs. Thus, there is a fall of 5 lakhs. Instead of further sums being allotted for the improvement of this department, there is a definite decrease of 5 lakhs. There is a decrease on the head "Agricultural Demonstration", a subject which has been repeatedly receiving the attention of both Houses of Legislature. Now, Sir, we have achieved much in our test fields and in our laboratories; but most of these results have not been taken to the door of the agriculturists and that can only be done by demonstration. The budget estimate for 1941-42 on this item was Rs. 3 lakhs 43 thousand whereas for the year 1942-43 it is Rs. 1 lakh 79 thousand and there is thus a drop of Rs. 1 lakh 64 thousand on Demonstration alone. Then, Sir, comes Agricultural Education. The policy of the last Government was that within a measurable time, possibly within two or three years, there should be provided for the province, if agriculture

has to be improved, at least a thousand demonstrators to carry the message of the laboratories to the door of the agriculturists and for that purpose they evolved a plan for mass agricultural education. In 1941-42 the revised budget estimate was Rs. 1 lakh 47 thousand, whereas the budget estimate for the year 1942-43 is Rs. 1 lakh 14 thousand. So there is a fall by Rs. 33 thousand.

There is another item "Grants-in-aid, Contributions, etc." In 1941-42, the budget estimate was Rs. 1 lakh two thousand, whereas for the year 1942-43 it is Rs. 27 thousand. There is a decrease of Rs. 75 thousand. That is the position, Sir.

There is increase in one item and that increase is in respect of botanical and other public gardens. The House perhaps knows that these gardens are the Eden, Curzon and the Dalhousie, including of course, the Botanical Gardens. The Government of Bengal spent in the year 1941-42 Rs. 1 lakh 64 thousand and for the year 1942-43 it is Rs. 1 lakh 68 thousand. Therefore, there is an increase by Rs. 2 thousand for maintaining and beautifying these public gardens. In regard to the improvement of the lot of the agriculturists, I have already read out to you the policy enunciated by the Government. That finishes, Sir, my observations with regard to the budget. I do not touch the other subjects.

Next I want to raise the question of the Sales tax. This tax shows an income of Rs. 1 crore. When this tax was being imposed, we demanded an assurance from the then Government that 50 per cent. of this or in definite figures Rs. 50 lakhs should be utilised for the purpose of improving primary education. For the last 9 years, the item of primary education has been suffering for want of finance. Taxes have been imposed in many districts. As a matter of fact, many districts have been paying this tax without being able to introduce compulsory primary education only due to the fact that sufficient finances could not be provided by the Government. The then Government gave us an assurance that Rs. 50 lakhs out of this new sales tax would be utilised for primary education but we find that only a paltry sum of Rs. 5,85,000 is being devoted to primary education and the balance is utilised under the head "General Administration"! I thought, Sir, as this matter is of greater importance than many others, the present Government would allot a larger amount of money for primary education. But we are disappointed. This, I submit, is entirely due to the wrong policy that is being followed. We find that extraordinary expenditure is being met from the ordinary taxations. Go in for borrowing or do something substantial, for example, utilise money from capital expenditure to meet such charges as A.R.P. work, providing slit trenches, providing protection but do not meet those charges from ordinary

revenues. If you do so, the result will be that you will be encroaching upon the ordinary administrative duties. Nobody will grudge if you borrow money or impose emergency taxation to meet these charges. Do not take money from the nation-building departments and starve them in the name of war. Under the head "Jute restriction", there is a provision of Rs. 37 lakhs. On the floor of this House an undertaking was given by the then Finance Minister that this amount will be entirely utilised for the improvement of jute. Some 8,000 persons were appointed under the Jute Regulation Scheme. Mr. Kamini Kumar Dutta has cast a fling at the last Ministry on the ground that they were appointed for the maintenance of the supporters of the last Ministry. But I see that this army of 8,000 men are still there and it is possible for them to remain there or perhaps it has been possible for them to remain there after having changed their allegiance and becoming the *helots* of the present Ministry. If that is so, we agree on both ways. When that Ministry was in office, I raised this question whether these 8,000 people were any more necessary as most of the works relating to Jute Restriction was finished, namely, preparation of survey of jute fields and keeping of records, and the only works remaining to be done were issuing of licenses. We then demanded a reduction in the number of the staff. The then Finance Minister gave us an assurance that they would examine that question of reduction. One plea may be advanced for their retention and that is that these people will be thrown out of employment. Now, Sir, there are 101 ways to employ these young men. Young men are being trained in various departments of Government now. These 8,000 people may be provided there. There are hundreds of ways in which this can be done.

Mr. Kamini Kumar Dutta says that these men go about with hats on their heads and with shirts and shorts on. What is supposed to be their work of rural uplift is, according to Mr. Dutta, merely personal enjoyment. I agree with him. Therefore, this 37 lakhs of rupees should have been and could have been reduced to the amount of 8 or 10 lakhs, and as the then Government gave an undertaking that the receipts from the Sales tax would be utilised for giving some relief to the jute-growers and not be merged in the general administration, this should also have been done. Rupees 35 lakhs are being taken away this year for the purpose of maintaining this large army of workers and only 2 lakhs is left for improving the condition of the jute workers or for providing better marketing facilities or for giving relief in some other way. But this sum of Rs. 2 lakhs have instead been appropriated towards the cost of the General Administration. So, Government on account of this extra work on A.R.P. and Civil Defence, costing about 4 crores, have had to make an inroad upon the revenue accounts in the budget and upon the essential nation-saving works which will seriously affect the condition of the poor agricul-

turists. I do hope, therefore, that the Hon'ble the Finance Minister will redeem the promise that the previous Finance Minister gave here, and that in a short time he will revise the budget and frame his own policy in this matter.

**Mr. BIRENDRA KISHORE ROY CHOWDHURY.** Sir, I rise to congratulate the Honourable Minister on Finance on the budget which he has placed before the Legislature. I appreciate fully the difficulties with which he had to grapple in framing the budget which we are discussing now. In the first place he had barely two months time at his disposal. Secondly, the accession of the present Ministers to office synchronised with the declaration of war by Japan. As a result of it, circumstances which were already out of joint, became absolutely abnormal. As external dangers thickened, the difficulties confronting the Government correspondingly multiplied.

In view of these facts, Sir, it will be unbecoming on my part to criticise the budget for many of the omissions from which it suffers. In fact, the Hon'ble Finance Minister has himself confessed that the budget which he was placing before the House was not so much a nation-building one, as it was primarily and essentially a nation-saving one. I shall, therefore, be doing an injustice to him if I do not confine my remarks this afternoon as far as possible to the problems of Civil Defence.

I am glad, Sir, that in the recent Conference at New Delhi the Government of Bengal secured favourable terms at the hands of the Central Government regarding Civil Defence expenses in this province. It is also a source of great satisfaction that the Civil Defence activities of the Provincial Government will not be very much hampered by central interference. The Civil Defence Department of the Government of India will only co-ordinate such activities of the provincial Governments, but will not control them as they might have done under the previous arrangement.

The Government of Bengal has, therefore, an opportunity of organising the Civil Defence Department on as comprehensive a basis as possible. Some time ago the public welcomed with enthusiasm the announcement that one of the Honourable Ministers has been placed in charge of Civil Defence. But it appears that there has been a misunderstanding in this regard. He has not been placed in charge of the Civil Defence Department, which in fact does not exist at all but he has been made responsible only for co-ordinating the activities of different departments in respect of Civil Defence. Frankly speaking, I do not, Sir, like the arrangements which have been made so far in this field. Possibly most of these arrangements are a legacy of the previous Government. But this legacy is a liability which the present Ministry might have refused to accept. At present we find

Civil Defence activities are being carried on partly by the Home Department, partly by the Revenue Department, partly by the Department of Local Self-Government, partly by the Public Works Department, partly by the Commerce Department and partly by whom we do not know. As a result of the existing arrangements, planning and co-ordination have become not only very difficult, but unduly expensive as well. So far as we know, it is the concern of the Public Works Department to open trenches and to build shelters, it is the concern of the Commerce Department to provide for the maintenance of necessary food and other supplies in the city of Calcutta and its suburbs in times of emergency, it is the concern of the Revenue Department to arrange for the civil evacuation of the city, it is the concern of the Home Department through the Civil Defence Director and the Commissioner of Police to organise and maintain the A. R. P. organisation and the Civic Guards. In view of this distribution of work, I am really at a loss to know as to what real responsibility has been assigned to the Hon'ble Minister in charge of Civil Defence himself.

I believe, Sir, it is high time for the present Ministry to think about the establishment of a full-fledged Department of Civil Defence so that this department may undertake as far as practicable all the activities which are now distributed among so many departments. The Minister in charge of such a department will have the opportunity of thinking comprehensively and acting with one mind in respect of all these different branches.

To-day these different functions are being discharged, more or less haphazardly and disjointedly without much of reference to their co-relation. If they are assigned to one Minister in charge of a comprehensive department, their planning will be more scientific and their execution more smooth and efficient. I do not mean, Sir, that the Ministry in charge of Civil Defence will be a watertight compartment without utilizing the services of any other department. What I do mean is that this Department should be primarily responsible for the discharge of all responsibility regarding Civil Defence. For the efficient discharge of portions of this responsibility, the Minister may of course use other departments as his instrument. The primary responsibility should, however, be his and his alone.

In case the Civil Defence Department is actually created, I have no doubt about it, Sir, that the administration will become more simple, less expensive and more efficient. At present quite an army of highly paid I. C. S. officers has been drafted to Civil Defence work in its different aspects. As to the activities of many of these officers the public has very little knowledge and information. For instance, it has been gazetted that Mr. Stevens of the Home Department has been appointed Civil Defence Director, Calcutta Area, and

Mr. Kitchin has been appointed his Personal Assistant. It has also been given out that Mr. Ellis who is in the Judicial branch of the Indian Civil Service and was until recently the Registrar on the Appellate Side of the Calcutta High Court, has been appointed Special Officer, Civil Defence, Calcutta. It should be known that already a full-fledged controlling staff for A. R. P. work in Calcutta does exist. In this staff also there are at least three I. C. S. officers. It should also be known that for Civic Guard Organisation there is one special Deputy Commissioner at work at Lalbazar. In view of these facts we are completely at a loss to know as to what either Mr. Stevens or Mr. Kitchin or Mr. Ellis may be doing. I am certain, Sir, the Ministry should look into the duties and functions which these gentlemen are at present performing and whether these duties required at all the services of so highly-paid civilian officers like them.

I should also point out, Sir, that in addition to civilian officers I have named and in addition to those engaged as Controllers of A. R. P. Organisation in Calcutta, two other I. C. S. officers have been posted in the Department of Local Self-Government and Public Health. One is employed as Additional Secretary and the other as Liaison Officer, both for Civil Defence purposes. This random appointment of so many of these officers appears, Sir, to indicate that all on a sudden some person somewhere was seized with a panic and unable to think coolly and act deliberately, drafted whomsoever was at the elbow for Civil Defence work. There was a time, Sir, when we were taught to believe that members of the heaven-born service were the most efficient civil servants in the world, able to undertake any difficult work and capable of rising equal to any eventuality. This dogma that we must place implicit and absolute confidence in the members of the I.C.S. has been long exploded. The posting of a large gang of these men should not inspire any confidence in us that Civil Defence work is being performed with necessary ability. On the contrary, Sir, it is an established fact to-day that none are more without imagination, without elasticity and without capacity to react to new circumstances and conditions than the I. C. S. officers. They are the least able to arouse popular enthusiasm and enlist popular sympathy and support. And it is these virtues, Sir, which are indispensable for success in Civil Defence work.

I should also, Sir, point out not in a spirit of carping criticism but by way of drawing the attention of the Government that the controlling staff of the A. R. P. organisation both for Calcutta and for the districts has been largely recruited from superannuated officers who may be interested in drawing a handsome salary in addition to their pension, but who have lost their zest and enthusiasm for work. It is no doubt very natural for the Government to turn to those men who had been its officers not long ago. But it should be definitely

known that times are out of joint and the work of the A. R. P. organisation is out of the ordinary. It requires not merely routine administrative experience, but it requires other virtues which one may seldom notice in retired Deputy Magistrates and police officers. It passes my understanding how the most responsible work of organising and controlling A. R. P. machinery can be entrusted to persons who have lost the elasticity of their mind altogether.

What is wanted, Sir, is the establishment of a full-fledged Department of Civil Defence under the control of one of the Hon'ble Ministers who will be assisted by a Secretary, one Chief Officer or Director and a number of subordinate officers in charge of different branches of Civil Defence. This staff should be carefully chosen and as far as possible it should be Indian in personnel. It will be for this staff to think out the planning and see to the execution of different aspects of Civil Defence. I have, Sir, wanted this staff to be as far as possible Indian. I have reasons for it. Organisation of Civil Defence is as much a matter of intellect as of sentiment. I do not believe, Sir, that a European staff will arouse as much confidence in the people today as Indian officers. For the actual control of A. R. P. organisation also only those officers who have not only shown imagination and enterprise in other fields of work but who have made themselves really popular in the localities they have served, should be chosen.

Before, Sir, I finish this speech I may touch upon one or two essentials of the A. R. P. work. First of all I may refer to the provision of alternative water-supply in the city of Calcutta. Here we find the policy followed by the last Ministry has been little short of disastrous. Instead of accepting the scheme of the Calcutta Corporation and having it worked through that body, the previous Government framed a scheme of its own and sank some two thousand tube-wells through its own agency in the city. The result is as might have been expected by all discerning people. Quite a large percentage of the wells whose water has been tested and found satisfactory has gone out of work already. If this is the position today, what will be the state of things when the regular water-supply may be stopped altogether? As for the maintenance of other supplies in Calcutta, we do not know, Sir, of any satisfactory arrangement being made so far. We have known only of some enquiries. Anybody who peeps into a provisions shop today may satisfy himself that the existing stock, without being replenished, may pull us through only for a day or two. Many of those shops again will be shut up as the first air-raid alert is sounded. It is high time, therefore, that some well-equipped central stores were opened by the Government itself in different localities, at least two and in some cases three or four in every ward of the city. They must be manned by Government's own men and work under the supervision of the Civil Defence Department.

Before I sit down, Sir, I may speak a few words about first-aid, about the entertainment of serious casualties and prolonged treatment of the latter cases. So far as I know, a number of first-aid centres has been opened. But most of them are without any equipment whatever. I am certain, Sir, if raid takes place today, men may go to a first-aid centre but the doctors who have been appointed may have only to look on without being able to do anything. As for serious casualties, Sir, it is a matter of the deepest regret to me that no arrangement worth the name has so far been made. In the whole of Bengal there are not more than eight thousand beds altogether in the hospitals. Of these nearly four thousand are in Calcutta. Even if all the existing patients are asked to vacate, the hospitals cannot accommodate more than eight thousand air-raid victims. Are we satisfied, Sir, that if raids actually take place there would be only eight thousand casualties? There is again the fact that not only four thousand of these beds are in Calcutta but the most well-equipped of the hospitals are located in this city. If Calcutta is bombed, will these hospitals be safe? The hospitals of the Calcutta Medical College are certainly the best we have in Bengal. But the buildings, many of them are very old, virtually century-old. I do not know, Sir, what arrangements the present Ministry is making not only to add to hospital facilities but to remove the base hospitals to safer places. In London, because the city itself was subject to bombing the number of beds in most hospitals was reduced and these hospitals are being maintained only as casualty clearing centres. It is outside the danger zones that advance base hospitals and base hospitals have been set up with suitable number of beds. It is unfortunate, Sir, that in Calcutta the opposite policy is being pursued. In the Medical College Hospitals already the number of beds has been increased to about thousand. It seems that instead of making arrangements for proper treatment of casualties, we are preparing death trap for them. I hope, Sir, the Ministry will look into this matter without delay. Either the city of Calcutta should be compulsorily evacuated without loss of time or the public should be assured as to sufficient arrangements regarding water and food supplies and medical arrangements.

**Mr. J. B. ROSS:** Mr. President, Sir, this party feels that the budget produced by the Hon'ble the Finance Minister is as reasonable as can be expected under the circumstances. The Provincial Government is faced, on the one hand, with heavy Civil Defence expenditure and on the other hand it has an uncertain revenue position. Sir, the Hon'ble the Finance Minister has his difficulties. Civil Defence expenditure, in our opinion, is unavoidable and absolutely essential. Since Bengal is now definitely within the danger zone, it is the responsibility of the Bengal Government to see that every possible measure is taken for the Civil Defence of the people against air-raids.

Government must continue to devote all its energies to this problem. The responsibility for Military Defence lies elsewhere. The total expenditure on Civil Defence for 1942-43 is estimated at Rs. 4 crores, but there should be no limit to this expenditure. Everything must be done for the civil protection of the people and there should, therefore, be no financial limit. Do the Civil Defence estimates, for example, include the cost of the relief centres outside Calcutta, as proposed by the new Director of Civil Evacuation and Relief? Do they include the cost of the new report centres and the telephone services? Do they include the expenditure which Government may find it necessary to incur for stocking food supplies? Perhaps the Hon'ble the Finance Minister might satisfy us on these points. I find that the revenue estimates are based on the assumption that trade conditions in Calcutta and other important centres in the province will not be seriously disturbed by air-raids or other hostile activities. Revenue forecasts are, however, liable to be completely upset. Allowance has been made under the jute export duty for a decrease of Rs. 35 lakhs. But in our view it is quite impossible to forecast with certainty what the revenues will be from this head. We realise that the Hon'ble the Finance Minister has to produce a figure but any one who can forecast what shipping will be available in the next 12 months would be a very wise man. As regards the estimate of Rs. 1 crore from Sales Tax, well, this is the return which may be expected, I think, in a normal year, but is it safe to assume that Rs. 1 crore will be received from this head in 1942-43? For 6 months of the current year the estimated revenue is only Rs. 25 lakhs. Perhaps the Hon'ble the Finance Minister might explain what appears on the face of it a discrepancy, viz., Rs. 25 lakhs for the 6 months of the year 1941-42 and Rs. 1 crore for the year 1942-43! The position fully bears out the necessity stressed by the Hon'ble the Finance Minister of cutting down all new expenditure unless it is virtually unavoidable. We shall be the last Party in this House to suggest any interference with the nation-building schemes; but exceptional circumstances have to be taken into consideration and we feel that nation-saving must, for the period of the emergency, take the place of nation-building. In our opinion, expenditure must stand the test of whether it is unavoidable or whether it could wait. On the whole, we think that the estimates meet the test and if we take one or two examples which we consider might be open to criticism, we do at the same time consider that the Hon'ble the Finance Minister has faced an unpleasant task honestly and squarely. Examples of expenditure which it occurs to us could either wait or could to some extent be curtailed are—

(*a*) The expenditure of Rs. 3,50,000 for setting up 207 additional Debt Settlement Boards. Are there not in existence a number of Boards

now, the lives of which are about to expire, and which could be given a renewal of their terms of office? Could not a certain amount of saving be effected by that?

(*b*) Expenditure on jute regulation. This is necessary expenditure but I would ask whether it is not too high. The original cost of jute regulation was estimated at about 22 lakhs but according to the revised estimate the cost has increased to about 34 lakhs annually. The only explanation offered for this increase in the Red Book here is that the cost has proved greater than was originally anticipated. That is not very much of a reason to justify an increase of 12 lakhs. Could not jute regulation be given a more explicit description in the Red Book than the description of other charges under "Agriculture"?

(*c*) The next item that we criticise relates to the receipts from the Motor Spirit Sales Tax. It is noted that these receipts are now expected to bring in only 5 lakhs in 1942-43 instead of the 12 lakhs which it was originally anticipated would be received from this tax. The object of this tax was to supplement the annual subvention from the Central Road Fund so as to make possible the continuance of the existing scale of road expenditure. Does not the restriction in the yield from this tax necessitate, as a necessary corollary, a temporary reduction in the existing scale of road expenditure?

Then, we notice appearing under the head "General Administration" a sum of one lakh for the item—"Promotion of communal harmony." Well, Sir, we are the last Party to put any obstacle in the way of bringing about harmony between the two main communities in this country and we wish the Ministry every success in its efforts in this direction. We feel, however, from the financial point of view that communal harmony cannot be bought. Communal harmony can only be attained by good-will and determination on the part of the leaders of the various communities; and neither one lakh nor 10 lakhs will produce it as long as those leaders are and remain at loggerheads. That is our view in regard to this item of expenditure; it seems to us that it is an unfair call on the pockets of the taxpayers. But my remarks are qualified to this extent that we are prepared to wait and see and criticise the Hon'ble Finance Minister's scheme or the Government's scheme. Like my friend over there who spoke on these lines but who is not here now, we would like an opportunity to discuss that scheme when it is ready for discussion.

The estimated revenue deficit of one crore and 5 lakhs, coupled with an estimated surplus outside the revenue account of 70 lakhs reduces the closing balance at the end of the ensuing year to 78 lakhs. This closing balance, however, has been built up with borrowed money amounting to one crore and 85 lakhs, which will be the amount due to the Government of India on the 31st March 1943, on account of Civil Defence expenditure advances. As against this, the Finance

Minister pointed out that there will be an asset of 2 crores and 26 lakhs in the shape of advances to agriculturists. The heavy expenditure during the current year on loans to Agriculturists and others has no doubt been unavoidable; but it is alarming to find that on the 1st April, 1942, there is to be a sum of no less than 2 crores 56 lakhs outstanding in respect of loans to agriculturists and others. Doubtless, a crore out of this consists of recent loans granted to cultivators and others affected by cyclone and floods. What is the position as regards the balance? What proportion of it stands in arrears for a period of years and when will it be recovered? If the Government is to take the place of money-lenders for the purpose of supplying rural credit, Government must pursue a strict policy as regards recovery of these loans. During the budget discussion last year I made the following remarks in regard to such loans:—

"The danger here as we see it is that no matter how good the record of the agriculturists in the matter of repaying loans, the record of the Co-operative Department as a collecting agency has not been creditable. In the opinion of the European Party, therefore, it is desirable that a very close check should be kept on this new venture and to enable it to be done by members of the House. I suggest that quarterly or half-yearly statements of advances and recoveries should be laid on the table."

I make that recommendation again to our new Minister for his favourable consideration. We should like to have a statement of Government's intentions with regard to the recovery of loans of over a crore of rupees advanced to agriculturists and others during the current year.

As regards the decision to take over land mortgage banks, although it may have been unavoidable, Government are losing the security of the Provincial Co-operative Bank for the payment of these loans and the change I think should have been preceded by the setting up of a Central Mortgage Bank which would have provided a comparable security to that of the Central Provincial Co-operative Bank.

Finally, I would like to stress the necessity, under existing conditions, for the co-operation of all parties in the face of a common danger and, for the time at any rate, the abandonment of ordinary political opposition in favour of constructive criticism.

**Mr. HUMAYUN KABIR:** Mr. President, I should at the outset like to congratulate the Hon'ble Finance Minister on the very able statement with regard to the financial position of the province that he has presented to this House. In a way, as he has himself said in the course of his budget speech, this is not his budget. Some of the criticisms which might be directed against the budget will be addressed

to the wrong quarter. Attacking the present budget is like flogging a dead horse, for the old Ministry responsible for framing the major portion of the budget is dead. The new Ministry have had little time to alter it according to their plans.

As has just now been remarked by my friend Mr. Ross, this is a time when in spite of political differences which we might have had in the past, we should unite in the face of a common danger. Therefore, criticism of the budget should be in a constructive spirit. This applies equally to members on both sides of the House. Since the last budget discussion, and in fact since the last session, there has been shifting of places in this House, and we have come to unaccustomed seats. Our remarks have to be changed in temper and colour, and I would request members of the new Opposition to exhibit the same spirit and offer the same type of constructive suggestions which we in the past tried to press on the Ministry in power at that time.

With these preliminary remarks, I come to discuss the different items in the budget proposals of the Hon'ble Finance Minister. One feature which has struck honourable members of this House is the very great increase in the expenditure of the Civil Secretariat during the past 5 or 6 years. This expenditure has been continually increasing since 1937. In the year 1931-32, on account of the abnormal conditions which obtained at that time, there was a drastic reduction in the expenditure of the Civil Secretariat. But from 1935 an upward trend is visible and I am sorry to observe that that tendency is noticeable in the present budget as well. I suggest for the Hon'ble Minister's consideration one or two items where there may be a reduction in expenditure without in any way impairing the efficiency of the Civil Secretariat. The first topic which I would mention is one which also affects some of the rights and privileges of the Houses of the Legislature. Honourable members of this House know that some time before the General Elections in 1937, a post was created in the Secretariat, the post of an Additional Secretary in the Home Department, in charge of Constitution and Elections. Now, Sir, at that time it was made quite clear that this post should be held by a man who had special knowledge of Political Science, one who knew Constitutional Law. In violation of the usual procedure under which a member of the Indian Civil Service would have been selected, the officer recruited to this post (Mr. Gilchrist) belonged to the Indian Educational Service and the special sanction of the Secretary of State was obtained for this. Mr. Gilchrist was the Reforms Commissioner and ex-officio Additional Secretary to the Government of Bengal holding charge of the department of Constitutions and Elections in the Home Department. Now, Sir, the general elections are over and most of the constitutional questions have been settled. But yet that post once created tends, by the law of inertia, to persist. We find that even to-day the post is in existence. This, Sir,

is undesirable from several points of view. There is, first of all, the expenditure incurred by keeping this post for the I.C.S., which means that a very highly paid officer is retained. There is also a constitutional difficulty created on account of the retention of this post. All legislative matters of the two Houses of the Legislature of this Province have to be dealt with through this Additional Secretary of Constitution and Elections in the Home Department. Now, what is the result? The result is that the Legislature becomes in many respects dependent upon a subordinate department of the Home Department of the Government of Bengal. Under the Government of India Act, all actions in the name of the Provincial Government have, no doubt, to be taken by the Governor as advised by his Council of Ministers. In this case, the authority to which we have to refer continually, to which the Legislature has to refer continually, is not the Minister in the Home Department but the Secretary of Constitution and Elections Department in the Home Department. Now, Sir, this anomaly might be easily solved if the two Secretaries of the two Houses of the Legislature are given the status of Secretaries to the Government of Bengal, without, of course, the pay of the I.C.S. There would thus be a reduction in the expenditure if the two Secretaries of the two Houses of the Legislature are given the status of Secretaries to the Government of Bengal and attached to their respective Leaders in the two Houses. We can then have direct access to the Government without the necessity of an expensive office which today serves no other purpose except that of a post office, for the Additional Secretary of Constitution and Elections is hardly anything more than a post office. If it be suggested that he helps also in legislative matters, then one can very pertinently ask what is the function of the Secretary of the Legislative Department? We have another Secretary in the Legislative Department who advises Government in matters respecting all legislation and also on particular constitutional questions. Then, there is the Legal Remembrancer and there is also the Advocate-General. Therefore, Sir, this post of the Additional Secretary in charge of Constitution and Elections Department might very easily be abolished and any consequent difficulties might easily be met if the two Secretaries of the two Houses of the Legislature are given the status of Secretaries to the Government of Bengal. The convention can be built up that whatever the presiding officers of the two Houses of the Legislature, the President and the Speaker, decide with regard to the business of the House, should be communicated through these Secretaries to the Leaders of the Houses, i.e., the Ministers, directly. There is also at present this anomalous position. Suppose, there is a recommendation by the Council or the Assembly Department. It has got to go through the Additional Secretary in the Constitution and Elections Department to the Minister concerned. Now, recommendation is usually made after consultation with the

presiding officer of the House. Yet when this goes to the Additional Secretary, he has technically the right to modify or change it. This is most anomalous, because the President and the Speaker represent the two Houses. Any recommendation which is made by the President or the Speaker should be taken as the expression of opinion or wish of the House. The President or the Speaker will not do anything which might be derogatory to the dignity of the House, or which is not consistent with the general desire of the House. In any case, there is no use for the Additional Secretary, because the two Houses are there to look after the conduct of the President and the Speaker. They are the custodian and guardian of the rights of the two Houses and the Houses are in return the inspectors, if I may say so, of the conduct of the President and the Speaker. Therefore, from this point of view also it is anomalous that there should be an Additional Secretary, a subordinate officer in the Home Department who should be placed above the President and the Speaker and should be entitled to interfere with a matter which appertains to the two Houses of the Legislature. Before I conclude, I would only make one further remark on this particular question. In the Central Legislature, if I am not mistaken, the Secretaries to the Council of State and the Indian Legislative Assembly have also the status of Secretaries to the Government of India, though the salary which they draw is not the same as drawn by the I.C.S. Secretaries of the Government of India. I hope the Hon'ble the Finance Minister will keep this point in view.

The second thing to which I want to draw the attention of the Hon'ble Minister is the way in which the Defence of India Rules are being abused by executive officers without a prior reference being made to the Council of Ministers. My contention is, and I think the Defence of India Act itself bears it out, that officers of this province cannot act except under the orders of the provincial Government and the provincial Government in such cases will always mean the Governor as advised by the Council of Ministers. We have learnt in reply to a certain question today that in many cases this was not done. I hope this expression of opinion in the Legislature will strengthen the Hon'ble Ministers to contest this point and to persuade His Excellency to see that there is no further abuse of the Defence of India Act in the manner in which it has been abused in the past.

There is another item in the General Administration to which I want to draw the attention of the Hon'ble the Finance Minister. I find on pages 74-75 of the Red Book that for Rural Reconstruction work which is undertaken on the initiative of the district officers, there has been an increase of provision this year. At the same time, we find that last year Rs. 80,000 were saved and could not be fully utilised. I would request the Hon'ble the Finance Minister to consider if the experience of the last year justifies this increase.

Could not this amount which has been added to that head be spent on some other sphere of activities where it could yield more economic result? I disagree with Mr. Ross when he says that nation-building schemes should not be undertaken unless they are unavoidable, that all avoidable expenditure must be stopped this year and the major portion should be spent or ear-marked for military objectives or Civil Defence. I would only say that in very many cases, the nation-building schemes come under Civil Defence. In very many cases, improvement of amenities and standard of life, improvement of communications and irrigation facilities, improvement of education, health and standard of life, in a word, improvement of material and human conditions in the province are the only way of effective Civil Defence. If there is improvement in the material and human conditions in the province, then it will have—if not a direct, at least an indirect—bearing on the question of Civil Defence: but this is a matter which I will take up later on.

A final point with regard to the head "General Administration." We would request the Ministry to examine the question of the salary of Ministers and the increased provision for Parliamentary Secretaries. We would request the Ministry to consider whether it is not desirable that there should be no further provision under this head but that out of the reduction in the salaries of Ministers, moneys should be found for payment of the salaries of Parliamentary Secretaries. I quite admit that the idea of Parliamentary Secretaries working in an honorary capacity is difficult to conceive, for it is likely that they will not have their harmony enthusiasm for very long. So, provision must be made for their remuneration but this should be met out of a reduction in the salary of the Ministers. The different parties which constitute the present Ministry are practically committed to a much lower salary. I think the salary should not in any case be more than Rs. 1,500 a month. We of the Proja Party are pledged to a salary of Rs. 1,000 and after the General Elections, we agreed to the addition of a sumptuary allowance of Rs. 500, in order to enable Ministers to meet expenses which they in general have to meet. This figure of Rs. 1,500 should be the maximum beyond which the present cabinet should not go. If that is done, then out of the surplus of Rs. 1,000 per Minister —an exception may be made in the case of the Chief Minister, because his position is somewhat different—out of the saving of Rs. 1,000 for each Minister, money can be found for payment to Parliamentary Secretaries. It is agreed that if in this way some money is saved, we can provide for Parliamentary Secretaries without any additional burden on the exchequer. There has been no change as yet in the figure of the Ministers' salary, nor perhaps have they had the time to do so; but I sincerely hope that the Finance Minister will be good

enough to see his way to introduce in this very session a Bill regularising the position with regard to Ministers' salary.

I may make another comment and that is with reference to the question of the President's and Speaker's salaries, which have not yet been settled. The Bill came before this House five years ago but there was disagreement between the two Houses. This disagreement could not be solved and has not been solved up to this day, because it could be solved only by a joint session of the two Houses. The last Ministry could not find time in the course of the last 5 years to summon a joint session of the Legislature. I hope the present Ministry will find it possible to do so.

With regard to the Police and Jails, I would make only one remark on the notification issued by the Government that the Chaukidari Enquiry Committee's Report is being examined and that Government will see how far they can give effect to the recommendations of that report. Sir, the question should be examined as early as possible. It has always been a grievance with members of both Houses that the city police should be paid for by the public exchequer, whereas the local police is paid for by local contributions. This is a very anomalous position and I hope that the Ministry will examine the position and find out if this can be remedied.

With regard to the general policy relating to these two departments we find—and it is an item to which the Hon'ble Finance Minister has himself drawn our attention in the Red Book—that there has been an increase in the provision for Jails and also for the Police. So far as the police are concerned, it is understandable that in the troublous times in which we are living today and with the ever-present possibility of crises and civil commotion and internal disturbance—we hope that if anything untoward occurs it will be local and only temporary—with these possibilities before them, the Ministry has to make provisions against all contingency; but the policy of having special jails which, I think, is a legacy from the old Government, should be abandoned. Otherwise, the present Ministry will have to bear condemnation for the sins of its predecessors. This policy of having new jails, additional jails, and special jails and of shutting up persons who are needed today to organise Civil Defence to raise the morale of the people of the province, to establish better relations between the communities, this policy of shutting up experienced political workers who are most needed at this time, must be given up and given up at once. This the Ministers must do in the public interest and to satisfy the Legislature that their attitude is entirely different from the attitude of the old Government. As for political prisoners, the Ministry should not leave any stone unturned to secure their release. If that is done, this will not only redeem the promises of the present Ministry but also effect great economy in the

Police and Jail expenditure. Simultaneously, it will mean strengthening the hands of the present Government in getting support and willing co-operation of the people. The problem of Civil Defence will also be to a large extent solved if these people are allowed to work in different areas, if they are allowed to organise volunteers. This cannot be done by ordinary paid officers, or new men recruited for the job.

Then, Sir, with regard to Education, I am glad to find that the Hon'ble Finance Minister has not forgotten his special interest for Education. In spite of the very great stringency in the budgetary position, he has found it possible to make certain additional grants. I should, however, like to draw his attention to one or two items which require special consideration. The Sibpur Engineering College has four main departments of which the Metallurgy Department is new. Now, Sir, in the other three departments, Electrical, Civil and Mechanical, there are stipends and scholarships which enable the students of these departments to compete on equal terms with students of other Engineering Colleges. But the Metallurgy Department does not offer the same facilities. In the situation in which we find ourselves today, it is evident that Metallurgy is going to play an important part in the national economy. The Sibpur Engineering College does not offer the same facilities in its Metallurgy Department as the Benares or Rurkee Colleges. Our students thus find it difficult to compete on equal terms with the graduates of the Benares or Rurkee Colleges. I hope that the Hon'ble Finance Minister will look into the matter and see that greater facilities are offered by way of scholarships and stipends in order to encourage our students. A larger number of students will thus be able to take up this very important aspect of study. I also understand that there is an insufficiency of competent staff in the Metallurgy Department. I hope the Hon'ble Minister will examine this question as well.

Now, Sir, I want to make a special reference to the Viswabharati and Santinekatan. I would like to draw the attention of the Hon'ble Minister to the fact that although certain grants were made some years ago, the money remained unpaid for a long time. The institution was thus put to needless difficulties. This year the death of Dr. Rabindra Nath Tagore places upon all of us a special responsibility for helping the institution which he created with such love and care. It should be the duty of the present Government, specially this year, to make whatever grant they can to this institution. I know the budgetary position this year is very stringent. But even then this institution should be given whatever grant is possible.

I would draw the attention of the Hon'ble Finance Minister to the difference in treatment of the Dacca and the Calcutta Universities. Payment to Dacca is a charge on the provincial revenues: payment

to Calcutta is not. I know there are difficulties and they are being examined. But as soon as a decision is reached, I trust that the contribution to Calcutta University will also be treated as a charge on the revenues of the province.

Sir, there were several other items on which I wanted to speak but the time is short and I must curtail my remarks. Before I conclude, I would refer to another item where economy can be effected, namely, the "Bengal Weekly". I believe the Hon'ble Minister will bear me out when I say that most of the people to whom this paper is sent put it into the waste-paper basket. The money spent for it is wholly wasted. I hope the Hon'ble Minister will examine whether "Bengal Weekly" cannot be discontinued. If we have at all a Weekly, we should have it in Bengali.

The last point which I would like to take up is with regard to the Civil Defence of the province. After the very elaborate statement made by my friend Mr. Birendra Kishore Roy Choudhury, I do not want to go into details; but I would add one or two points that have been overlooked. The first point to which I would draw attention of the Hon'ble Minister concerns the A.R.P. arrangements. The trenches have been distributed in a very haphazard and ridiculous manner. I understand five miles of slit trenches have been sanctioned for Calcutta of which almost a mile is to be found in the Lake area. Every member of this House knows that in the present conditions very few people go to the Lakes either for pleasure or for any other purpose. In these days of black-out, the Lake area is practically a deserted area after dusk. There has been perhaps a larger exodus of people from that part of Calcutta than from any other part. On the other hand, we find that in *bustee* areas and market areas there are not a sufficient number of slit trenches. The provision of slit trenches and tube-wells in the New Market area is also very poor. Well, Sir, these are some of the things to which I think the attention of the Hon'ble Minister for Civil Defence should be drawn. Apart from this, I have drawn the attention of the Hon'ble Minister through a Question that there are not sufficient facilities in the *bustee* areas——

**Mr. PRESIDENT:** The honourable member must now conclude.

**Mr. HUMAYUN KABIR:** I have come almost to the conclusion of my speech, Sir. I should like to say a word or two on the money which has been allotted for promoting Communal Harmony in the province. Now, Sir, I think Mr. Ross also agrees with me because he also pleaded that this provision should have been shown not under "General Expenditure" but under "Civil Defence." I think, Sir, if this slight alteration is made, Mr. Ross and others of his way of thinking will have no objection to the grant. Everyone will admit that

the very first condition of Civil Defence is internal solidarity. If there is any lack of internal unity, if there is conflict among the different communities, I am afraid we may witness again the spectacle of riotous incidents which happened in Dacca in the course of last year. If that be the case, all our talk of Civil Defence will me a mere mockery. The first step towards any Civil Defence is in reference to the internal solidarity of the people and for this one lakh is not adequate. One lakh is certainly not too high a price to pay for communal harmony. If necessary, more money should be provided and more may have to be spent. I think all realize the importance of the question including the honourable members opposite who spoke. We agree that this money will have to be spent on propaganda but not on party propaganda——

(At this stage the member reached the time-limit and resumed his seat.)

**Mr. KRISHNA CHANDRA ROY CHOWDHURY:** Mr. President, Sir, after hearing Mr. Humayun Kabir and his remark about a mile length of slit trenches in the Lake area, which, however, is not a fact. I am bound to tell him and the House that it is not so. There are some slit trenches. I had been for a walk there only this morning and I do not think that the length of all the trenches was as long as one mile and I wonder how my friend Mr. Kabir could procure the measurement. However, Sir, that is a minor point.

I think Mr. Humayun Kabir will agree and every member of this House will agree that at the moment every other problem regarding budget is overshadowed by the impending aggression of our enemies. Therefore, I would only confine whatever I have to say to the Civil Defence side of the budget. Sir, I am very pleased to find in the budget some provisions—I would not say very ample provisions—for air-raid precautions. Apart from A. R. P. establishments such as public health, medical and fire-fighting schemes, the public is very very anxious indeed to see that huts and cottages are constructed in moffusil with Government money, say within 50 miles from Calcutta for housing dozens of poor families who have to evacuate from Calcutta. Those fortunate few who have means have already hired houses at fancy prices. We all know that but what about the hundreds, I should say, thousands of poor families who cannot afford to take houses in the moffusil at such fancy prices? Therefore, I would strongly suggest and I hope that this suggestion would in a way meet the point raised by my friend Dr. Radha Kumud Mookerji who grumbled that all this money is going to be spent in the city of Calcutta, I say that this amount—a portion of it—be spent on the construction of huts and cottages in moffusil, similar to those that are constructed at the time of Kumba Mela in Hardwar and Allahabad. We have seen them and those hundreds of cottages are constructed in the course of a few weeks.

I think some of the Hon'ble Ministers may have seen them and have appreciated how quickly they could be constructed for housing lakhs of pilgrims. Of course, I am sorry that there are no tents available now, because tents are all used for military purposes.

Sir, Government ought to provide these quarters in moffusil at nominal rents.

I find no item in the budget for propaganda work. Sir, I think if anything is urgently wanted today, it is skilful, ingenious and intense propaganda to encourage labour and particularly municipal workers to stay in Calcutta. If today one nuisance bomb falls, thousands of workers will go away. What are we doing to stop these? Are we simply sleeping by putting mustard oil in our nose as the Bengali proverb goes? These municipal workers sustain the civic life and hygienic condition of this great city. It will be a disaster if they run away. This can be averted by constant propaganda through personal contact; for radio, posters, newspapers and handbills do not reach them. They should be made to understand by individual talks that everything that is possible is being done to protect their lives in case of danger. So, to do that propaganda, I make this humble suggestion. I simply shudder to think of the disastrous effect of a nuisance bomb on the up-country labourers, scavengers, drainage workers, water-supply workers. Propaganda has been utilised by that detestable Hitler as one of his chief weapons for aggression. He says in his book *Mein Kamf* "that by skilful and sustained propaganda one can make a people see heaven as hell or a most wretched life as paradise." Everybody knows that by ingenious propaganda Dr. Goebbles has transformed the mentality of the Nazi rascals who could be made forgetful of the bitterest blizzards and frosts while fighting near Moscow without sufficient clothes, could be made forgetful of their scanty food. By skilful propaganda we could eliminate all the Fifth columnist activities in Bengal. I have some personal knowledge about this. I must place that before the House. In the month of December just after Rangoon raid, I heard from the Manager of the Ludlow Jute Mill near Uluberia, which is an American concern, that some strangers went there and told the mill-hands that there was evacuation in the Budge-Budge and adjoining Jute Mill areas and that it was spreading to other mills also, that the Japanese would shortly invade this country and other things. Of course, no Japanese or people from overseas came to tell all these things but some Indian rumour-mongers were spreading these false news. There is another instance of this Fifth columnist activities. A few clerks of a Japanese firm told us that when the Japanese merchants left India, they had told these clerks that they were coming back within 6 months and had asked them to carry on, with the little money they had given them, pro-Jap propaganda. In my own house I was told by a person who was working in a Japanese firm that he need not fear because the

Japanese had told him that they were coming in a few months. It must be said that good propaganda has got to be paid for and is not merely dependent upon radio talks, big posters on the walls and big newspaper headlines, and notices, and notifications, etc. There are various types of propaganda—demonstrations, route marches, badges, uniforms, exhibitions, so one. It is not simply a question of A.R.P. and A.R.P. workers; but there are many private agencies which are anxious to help in spreading and circulating the right kind of information and instruction. The members of the Radical Democratic Party, for instance, are demonstrating all through the city and marching on routes and they have devised a slogan "Kill the Japanese when they come" in Bengali and Hindi; but who is going to take notice of them or finance them? This news was placed before the Hon'ble Mr. Santosh Kumar Basu, the new Defence Minister of the Government of Bengal. He was asked to take notice of it and to help the movement but he said that his portfolio was new and at that time he could not say anything definite. I hope Government would now take notice of the activities of the honest workers of this Democratic Party who are creating a fighting mentality and helping Government in every possible way. Demonstrations and route marches in cities and the villages and the shouting of slogans —all these are techniques of propaganda—and not posters, or notification in newspapers or radio talks. Sir, there are hundreds of ways in which expert propagandists can help the Government and the country.

**Mr. PRESIDENT:** Is the honourable member likely to conclude soon?

**Mr. KRISHNA CHANDRA ROY CHOWDHURY:** I will not take more than one minute. I will not drag on, Sir. I find that there is a defeatist mentality among all sections of the people in Calcutta. They say "Singapore is gone, Rangoon is going, and Calcutta will go. Therefore, there is no hope and no help for us." We can do a lot to remove this defeatist mentality by means of proper propaganda. Speeches in the Council or in the Assembly are good but we must proceed by other methods and means. I would like to see that the Minister of Defence makes good use of Madam Chiang Kai Shek's stirring appeal to India to participate shoulder to shoulder in the struggle for the survival of a free world. Propaganda is necessary to carry this historical message to every home in Bengal, to carry the message of the brutalities and butcheries committed by Jap soldiers on women, children and civilians. But all this costs money and the Minister in charge of Civil Defence must find the money for this very important item of Civil Defence work. We all know that several thousands of Oriya and up-country servants and cooks have left the

city and we are simply unable to have domestic servants. I know that Bengal villagers are willing to come to Calcutta to work as domestic servants; but, Sir, who is taking the trouble to attract them to this work? People from Eastern Bengal, Northern Bengal and Burdwan are willing to come here for work: I know that from personal experience. They are free after the recent harvests; let the Defence Minister provide shelter for them in Calcutta. I can bring hundreds of such men if they are paid rail fares, given shelters and food pending their getting some work. Let us seize this opportunity of finding employment for our village folks who may earn their livelihood and get employed in the work deserted by the Oriyas. Send recruiters to the villages to recruit workers who are too willing to come and earn their livelihood. I have relatives in the Sunderbans who tell me that they can send idle peasants to Calcutta for work in Calcutta, provided you give them temporary abode and food until they can find work. Let the Defence Minister give facilities for this purpose and devote some attention to attract these people from the villages and spend some money. This will partly solve village unemployment as well as remove a great want of the day. With these words, I commend my proposals to Government.

**Mr. PRESIDENT:** Order, order. The Council stands adjourned till 2-45 p.m. tomorrow.

## Adjournment.

The Council then adjourned till 2-45 p.m. on Tuesday, the 24th February, 1942.

## Members Absent.

The following members were absent from the meeting held on the 23rd February, 1942:—

(1) Mr. Altaf Ali.
(2) Rai Bahadur M. N. Bose.
(3) Mr. B. C. Datta.
(4) Mr. N. C. Datta.
(5) Mrs. K. D'Rozario.
(6) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(7) Mr. K. L. Goswami.
(8) Mr. Mohamed Hossain.
(9) Khan Bahadur Syed Muhammad Ghaziul Huq.
(10) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(11) Khan Bahadur Muhammad Asaf Khan.
(12) Maulana Muhammad Akram Khan.
(13) Mr. Naresh Nath Mookerjee.
(14) Mr. R. Pal Chowdhury.
(15) Maulvi Abul Quasem.
(16) Khan Bahadur Mukhlesur Rahman.
(17) Khan Bahadur Kazi Abdur Rashid.
(18) Sir B. P. Singh Roy.
(19) Raja Bahadur B. N. Sinha.

B. G. Press—1942-43—1144A—750.

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session—No. 6.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 24th February, 1942, at 2-45 p.m., being the sixth day of the First Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

## QUESTIONS AND ANSWERS

### Question which remained unanswered during the December, 1941, Session.

### Rise in price of foodstuff.

**50. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Commerce Department be pleased to state if it is a fact that the abnormal rise in the price of foodstuff, such as, rice, paddy, condiments, etc., has caused immense suffering to the poor people of Bengal in general and the poor people of Chittagong in particular?

(*b*) If so, what measures have been adopted by the Government of Bengal to prevent undue speculation and inflation of prices and for the supply of foodstuff and other necessaries of life to the poorer people at a reasonable price?

(*c*) Is it a fact that in many districts, especially in Chittagong, the poor people are actually starving owing to very high price of foodstuff?

(*d*) If so, what steps have been adopted by the Government of Bengal to save people from actual starvation?

(*e*) Is it a fact that the daily or monthly wages of labourers have not been increased proportionate to the rise in price?

(*f*) If so, what measures have been taken by Government of Bengal to give relief to the labourers of Bengal? If so, what are they?

**MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Khan Bahadur M. Abdul Karim):** (*a*) Yes, specially landless labourers, but there is no reason to suppose that the effect in Chittagong is any worse than elsewhere.

(*b*) The rise in prices is due to economic causes and as far as I am aware there has been no profiteering on the part of dealers at any stage of sale of these essential commodities in the secondary markets. I do not consider that the present prices are unreasonable although they are certainly high enough.

(*c*) and (*d*) I am not concerned with these questions.

(*e*) I have no information regarding agricultural labour but so far as industrial labour is concerned, I know that substantial increase in wages has been granted in many industrial concerns and public utility companies. I have not, however, examined whether the increase allowed in industrial concerns is proportionate to the rise in the cost of living index or not.

(*f*) The Labour Department carefully examine all demands for workers for increased wages or dearness allowance and, whenever felt necessary, have advised the employers accordingly. In the course of conciliation of disputes arising out of such demands the conciliation officers similarly intercede on behalf of the labourers whenever they have a good case to put forward. No other special measure yet seems necessary.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** With regard to (*c*) and (*d*) of the printed answer to the question, I may say that this answer was framed before we came into office and therefore I have modified it as follows:—

"(*c*) and (*d*) I am in communication with the Revenue Department with regard to this matter."

**Mr. NUR AHMED:** Will the Hon'ble Minister be pleased to state what are the economic causes to which the rise in the price of rice is due?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** In the first place one of the most important economic causes is that the present war has stood in the way of fresh rice coming from Burma at this stage. The second cause is difficulty of transport; and there are numerous other causes. The whole matter is now under my examination and I am going through it very carefully. I shall be able to give a very satisfactory answer if the matter is brought up in the form of a resolution hereafter.

**Mr. NUR AHMED:** Will the Hon'ble Minister be pleased to state if unscrupulous dealers have been fined for profiteering in the province?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Such cases have not yet come to my notice.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister kindly state whether agricultural labour is also not a subject with which the Minister in charge of Labour is concerned?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Not very much; the Department of Commerce and Labour is concerned more with the movement of goods and the control of prices to some extent.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Are we to understand that the agricultural labourers and other labourers are to be left to their lot and nothing is to be done by the Minister in charge of Labour?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I shall see if the operation of the department can be extended further.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Is the Hon'ble Minister aware that the industrial labour population forms a microscopic minority of the total labour population of Bengal?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I know that.

**Khan Bahadur ATAUR RAHMAN:** Is not the price of paddy or rice comparatively very much lower than the price of other necessaries which the agriculturists are to buy?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Well, I want notice for that.

**Dr. KUMUD SANKAR RAY:** With reference to answers to questions (*c*) and (*d*), may I ask the Hon'ble Minister if better answers could not be obtained?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** The answer which is printed there was given by the outgoing Government and I modified that answer and gave it just a moment ago.

## General Discussion on Budget.

**Mr. PRESIDENT:** The House will now resume further general discussion of the Budget.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Mr. President, Sir, while initiating the general discussion of the budget on Friday last, our esteemed friend Dr. Mookherjee was pleased to observe that the budget indicates the policy of the Government. Before I proceed to find out the policy of the Government underlying the budget presented to us, I propose to commence with an examination as to how far ordinary constitutional rules have been observed in preparing and placing the budget for discussion. In this connection, Sir, I at once refer to rules 108 and 109 of the Bengal Legislative Council Procedure Rules. Rule 108 lays down that: "No discussion of the accounts of the province and the reports of the Auditor-General thereon shall take place in the Council until the report of the Committee on Public Accounts on such accounts and reports has been presented to the Council under rule 109." Then, rule 109 lays down: "The report of the Committee on Public Accounts on the accounts of the province and the reports of the Auditor-General thereon shall be presented to the Council by the Finance Minister." Sir, this question was raised on the floor of this house as a privilege motion on the 11th February, 1941. After thorough discussion in which the then Finance Minister took part, the question was referred to the Privileges Committee. The then Finance Minister not only agreed to the reference of the question to the Committee of Privileges but he was also pleased to give indication of helping the Committee with his views. Then on special invitation, he attended the first sitting of the Committee though for reasons best known to him, he could not or did not attend the deliberations of the Committee on subsequent sittings. The Committee, however, made its recommendation which was presented to the House on the 31st March, 1941. The recommendation of the Committee was to the effect that this House should have a Public Accounts Committee and pending the framing of the rules governing the constitution of such a Committee, the Hon'ble the President of the Council be requested to form a Public Accounts Committee. This recommendation of the Committee was unanimously accepted by the House and then you, Mr. President, were pleased to form a Committee on the next day, *i.e.*, the 1st April, 1941. It is about a year that the Committee has been formed but I do not know whether Government, because of the formation of the Committee on the first day of April, took the matter lightly. (Mr. SRISH CHANDRA CHAKRAVARTY: They took that as a joke.) However, the fact remains that no meeting of the Committee has yet been called or held. Sir, the general rule under democratic constitution calls for redress of grievances prior to presentation of the budget for discussion. May I now ask the Hon'ble the

Finance Minister if this is the way that the Government want to remove our grievances? Is this the way that Government propose to satisfy our demands? Should we find out the policy of the Government out of this callousness?

Then, I refer to another recommendation of the Committee of Privileges in unanimous acceptance of which, this Council, as far back as in February of 1938, urged upon joint control of the Library of Legislature. After a prolonged consideration for about two years, it was decided by the Government to put the Library under control of a joint committee and rules were at last framed regulating the control and management of the Library, copies of which appear to have been issued on the 25th of October of 1940 to the members for their information. Rule 1 lays down that the Library shall be designated "The Library of the Bengal Legislature." Will the Hon'ble the Finance Minister be pleased to state why the designation of the Library has not been changed as yet and why it is still being designated as "The Library of the Legislative Assembly"? Then, rule 2 lays down that the control and management of the Library shall be vested in a Committee called "the Joint Library Committee." The Committee shall consist of 7 members of whom three shall be nominated to represent the Bengal Legislative Council by Mr. President. In accordance with this rule, Sir, you, Mr. President, were pleased to announce your nominations on the 27th March, 1941. Now, Sir, I would like to draw the pointed attention of the Hon'ble the Finance Minister to rule 3 which clearly lays down that "The Committee shall prepare its annual budget estimate which shall be included in the Budget Estimates of the Bengal Legislative Assembly Department and presented to the Legislature by the Hon'ble Minister in charge who presents the budget estimates of that department." It clearly appears from this rule that it is the privilege of the Committee to prepare the budget of the Library which will be incorporated in the general budget. Since the formation of the Committee, in spite of our best efforts, no meeting of the Committee has been convened as yet. On both these points, *viz.*, Public Accounts Committee for the Council and the Library Committee, I put interpellations replies to which were due in the last session of the Council, but, as is usual with the Government when they find themselves in an uncomfortable position to reply to any question, they have assumed the golden policy of silence and my question still remains unanswered. Sir, we have very strong feelings over these matters. Is this the way that the Government are respecting our feelings? Is this the way that the Government are observing relevant rules? At this stage, Sir, I think it my duty both as the Deputy President of the Council and the Chairman of different committees to sound a note of warning that this House may not tolerate this indifferent attitude of the Government any further.

I may just refer to another instance of omission on the part of the Government. The question of providing accommodation for the Bengal Legislative Council is pending final decision since 1938 last. This question was threshed out at a meeting of this House some time towards the beginning of 1938 and then it was referred to a joint committee consisting of members representing both the Chambers of the Legislature. The joint committee again referred the matter to a sub-committee which sat for the last time on the 7th February of 1939, when the need for construction of a separate Chamber was urged and desire of the Council for the same was emphasised. As per estimate of the Government Architect and the Chief Engineer, a separate Council Chamber might be constructed at a cost of about 3 lakhs of rupees. Apart from the constitutional desirability of proper accommodation for the Council, the project would be economical in that it would facilitate the disposal of business and would save a sum to the tune of 1½ lakhs of rupees annually out of the huge amount spent on the allowances of the members by prolonging the hours of sitting. The size of the existing Chamber also militates against the proper conduct of business in the Council consisting of 63 members only.

**Mr. HUMAYUN KABIR:** On a point of information, Sir. May I enquire through you, Sir, whether the Deputy President is speaking on a privilege motion or on the budget?

**Khan Sahib ABDUL HAMID CHOWDHURY:** On the general discussion of the budget.

**Mr. PRESIDENT:** The Deputy President is perhaps following the general rule of pressing for redress of grievances before discussion on the budget heads is taken up. It is the usual and established convention that in a budget discussion wide latitude is given to ventilate grievances on almost any matter that may be provided for in the budget estimates.

**Mr. HUMAYUN KABIR:** Sir, the only purpose of my enquiry was that if it were a privilege motion, then some of us might be able to make some comments; whereas if it were a discussion of the budget, none of us who have already taken part in it can have any further say on the matter.

**Mr. PRESIDENT:** Now the Deputy President is speaking on the budget.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Should I stop here, Sir?

**Mr. PRESIDENT:** No, no. Go on.

**Khan Sahib ABDUL HAMID CHOWDHURY:** I do not propose to take any further time of the House to explain the need of, and the economy that may be effected by, the construction of a separate Chamber for the Council. A note prepared by the Legislative Council Department was circulated amongst the members of this House as well as those of Government which deals with the matter exhaustively. Sir, the matter was thoroughly discussed in the conference referred to when the then Home Minister undertook to hold the next meeting in December, 1939, for final decision after further examination of the *pros* and *cons* of the question. Since then three Decembers have come and passed away merrily but alas, that meeting still remains to be called, decision still remains to be arrived at and the Chamber still remains to be constructed. The other five provinces having a bicameral legislature have been provided with a separate chamber for the Legislative Council. Even the province of Assam having only 22 members in the Council, has got a separate chamber. Since the inauguration of the provincial autonomy, Madras and United Provinces have spent Rs. 6½ lakhs and Rs. 4½ lakhs respectively for the purpose. Bengal is the only province where there is no separate chamber for the Council. There is no allotment for this purpose even in the present budget which is under discussion.

Sir, I am fully conscious of the fact that the present is not the opportune moment to raise a question like this; but, Sir, this is not a new question. I have already said that it is awaiting decision since 1938 last and I want to draw the attention of the Hon'ble the Finance Minister to the fact that construction of a separate chamber for the Council in proper time would save by now more than what would be required to be spent on the execution of the scheme. Sir, there are other grounds as well which prompt me to raise this question without waiting for better times.

Sir, if my information is correct, the control of this building was vested in a committee consisting of the Hon'ble the President, the Hon'ble the Speaker and a representative of the Government. But to our great inconvenience we find that the control of the House is being exercised solely by the presiding officer of the other House. It is being done either with the consent or with the connivance of the Government. Whatever it may be, it is not only causing inconvenience to us but also hampering smooth transaction of business. By way of explaining my point, I may just refer to one or two concrete instances.

Appointment of a Caretaker for the Legislative Building is being unnecessarily delayed, presumably because the committee of control is not functioning properly. Then, Sir, from the very beginning of

the present session, we are feeling very much inconvenienced for want of restaurant arrangement. As regards A. R. P. arrangements for the safety of the members of the Legislature as well as of the staff, nothing was done till the question was raised in this House and recommendation was made by a committee formed by you, Mr. President, and attention of the Government was drawn thereby to this matter of vital interest. Under the existing arrangement, we are very shabbily treated in almost every matter which we feel very strongly. The arbitrary way of distribution of rooms for different officers and committees is another instance of the inequitable way of doing things, which goes a great length to lend support to my contention. Sir, as I am handicapped with the shortness of time at my disposal, I do not venture to deal with the matter at a greater length but I feel it my duty to bring it to the notice of the Government that the limit of the patience of the House has already been reached, if not exceeded. Further indifference on the part of the Government to set the matter right may create unhappy situation.

We have had enough discussion over the budget and I do not propose to enter into the details of the proposed receipts and expenditures which call for no comment. In the perilous times through which we are passing, it is idle to look forward to a budget for spectacular schemes of social reconstruction. All domestic or local issues are over-shadowed by the issue of war. One or two figures may, however, be referred to as revealing the financial position of the province. The ensuing year will start with a total deficit on revenue account to the extent of one crore and five lakhs. In this connection, our attention is particularly drawn to that portion of the budget which, on the expenditure side, is devoted to Civil Defence measures and, on the receipt side, refers to the wind-fall under Income Tax and considerable deterioration on the Jute Export Duty, both being the effect of the war. Lump provision of one lakh of rupees for the promotion of communal harmony deserves more than a passing notice. We endorse wholeheartedly the sentiments expressed by the Hon'ble the Finance Minister towards the concluding portion of his speech. It is, however, not clear how this amount is to be spent or by whom or what agencies or by what particular method or procedure. I venture to suggest that members of the Legislature as well as the public may kindly be taken into confidence in this respect, so that there may not be any room for any doubt, suspicion or idle speculation. (At this stage the member reached the time-limit.) As I have reached my time-limit, I shall be very brief in dealing with one or two more points.

I am extremely grateful to the Hon'ble Finance Minister for his very welcome statement asserting such additional grant as may be required to meet the charges on account of the Department of Islamic

Studies which has been recently organised by the Calcutta University. I am also very much grateful to the Hon'ble Finance Minister for the allotment of Rs. 35,000 for the Jadavpur Tuberculosis Hospital, though the amount is far too inadequate. I hope, however, it may be feasible for the Government to be a little more generous if and when occasion arises for revision of the budget which act of benevolence will be very much appreciated by the general public. Sir, the bitter lessons that we are learning from the present war serve to emphasise that a nation can neglect its agriculture only at its peril. In a total war like the present one, the possibility of food shortage is to be avoided by all means to prevent demoralisation and discontent in the civil population. To keep them well-fed is, therefore, one of the most vital pre-requisite of war efforts. In this connection, I may mention one serious and immediate problem—the threatened shortage of rice owing to the risk of normal supply from Burma being cut off. To solve this acute problem it seems to me imperative that an energetic drive should be undertaken forthwith for production of more food crops suitable for being raised in lands released from commercial crops such as jute. I think, Sir, I cannot too adequately emphasise on the desirability of advising cultivators to grow suitable food crops on lands released from cash crops whose cultivation on the previous scale has become uneconomic. By a cautious expansion of acreage under food crops, every effort should be made to build up reserves of food stock against the rainy day and to make our land of birth self-sufficient in this respect. With these few words, Sir, I conclude my general observation on the budget.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Mr. President, Sir, I must at the very outset say that the budget which has been presented to us appears to be very disappointing indeed and it is more so because of the personality of the Finance Minister. We fail to find any hand of constructive genius or any trace of any imagination in the budget that has been presented. Sir, we have been told that now it is war time; so the budget must be of a very slipshod nature and it will not even deal with the peace-time programme. But I say it should be just the reverse, Sir. During this war time, when the other nations and the other independent countries are at war, their output of industries, their output of arms and ammunition, their output of foodstuffs has been doubled and trebled. They prepare schemes by which they work them out at top-speed. But now, Sir, what is our position? Because of the war are we not to do anything? We are not to take up even our ordinary routine works? Sir, the position is the reverse. Now that there is war, just like other independent countries, though we in a dependent country cannot take all those active measures connected with war, we can certainly concentrate our attention on matters of internal economy.

Sir, we should take our lesson from the European countries. What they have been doing? They have been even converting their own gardens into cultivated lands. They have been putting so much impetus on their industries that they have increased their output by 300 per cent. and more. Their output has been increasing not only year to year, month to month but even day to day. Under the circumstances, we should not take shelter under the plea of war for our inactivity. We have also got internal war and what is that? We have to fight against poverty and illiteracy. Are we prepared to fight them? We can fight them by preparing a programme of economic development for poverty, and compulsory education for illiteracy. We have enough resources in our country. We should take our examples from the European countries and from other independent countries. If we concentrate and devote our entire attention to the economic development of the country, we could fight to the finish the demon of starvation and illiteracy which have been killing us all the time. The Hon'ble the Finance Minister himself admits and we all agree with him that the frame-work of the Indian constitution is such that it does not give any rights to the representatives of the people to deal efficiently with vital matters connected with nation-saving schemes. The initiative, organisation and control of all these nation-saving schemes lie with the Central Government and all we can do is to render some help for internal civil defence. We have been asked by the Central Government to arrange for civil defence according to some definite schemes and to meet a portion of the cost thereof from the provincial revenues. We will do it ungrudgingly, though Bengal could rightly claim the entire cost of civil defence from the Central Government, in view of the unjust and inequitable allocation of revenues between the Centre and the province of Bengal. In consideration, however, of the grave danger now facing us, for the time being we will forget the quarrel and we do not, therefore, object to the allotment of Rs. 1 crore 25 lakhs for civil defence from the provincial revenues. As to actual defence of India from outside attack, it is the concern of the Imperial Government and we will not be permitted to meddle with it. We will not be permitted even to raise a militia, a national militia, for our internal defence. Our scope of work is, therefore, very little and our field of activity concerning war is confined to such circumscribed limits that in spite of the war we can keep our mind free, as we have not got to think of the actual defence measures, which, fortunately or unfortunately, somebody else will think out for us. Such being the case, I do not see why merely the fear or apprehension of aerial raid or land attack should unnerve us and make us inactive. The war has afforded us an excellent opportunity for stimulating our industrial enterprises and we must not lose it. Other provinces are stealing a march over Bengal in this respect, but Bengal is still in slumber. It is our sacred duty to keep ourselves fully

informed of the conditions of all the industries in our province, to nurse those which have recently taken birth, guide those which have been in existence for some time and encourage cottage industries and other new industries which hitherto could not stand competition with the cheap articles of Japan which had swamped our markets. These are things which should engage our serious attention and our Ministers will be failing in their duty if they did not apply their mind to an economic programme more intensely than hitherto. It will be a sheer neglect of duty if on the plea of saving the nation which they have no power to save from outside attack, they do nothing for economic regeneration of the country in spite of getting a golden opportunity.

Sir, I will now take up the budget, department by department. I find that the budget has been described as a deficit budget. As a matter of fact, our budgetary provision is better than that of the last year. Last year we estimated a closing balance of Rs. 32 lakhs and odd; this year we have Rs. 78 lakhs and odd in spite of the fact that we had to contribute one crore and 25 lakhs for the war and we had in the previous year to meet famine charges and distress charges to a very large extent. So, there is no excuse for reducing expenditure under the nation-building departments, specially under Agriculture and Industry. Sir, the Ministry has absolutely no justification for diverting the 35 lakhs of rupees which represented the proceeds of the new taxes. The Taxation Acts were passed last year on the definite understanding that the proceeds of the tax would be spent on the nation-building departments. In the very preamble of the Motor Spirits Tax Bill, a definite understanding was given that the proceeds were to be ear-marked for new roads. As regards the Raw Jute Taxation Bill, from its preamble also it will appear that the proceeds were to be definitely ear-marked for helping the growers of jute. As regards the Sales Tax Bill, of course, there was no such explicit understanding in the preamble, but we were definitely told on the floor of the House that all the money would be spent on the nation-building departments, on the schemes which were in progress and also on new schemes. There was a definite promise given by the Hon'ble Finance Minister that a portion of the proceeds of the tax would be set apart for financing the Poor Funds which would be established under Act X of 1939. That was a definite understanding given to both Houses of the Legislature by the ex-Finance Minister Mr. Suhrawardy. With your permission, I may quote from his speech on that occasion: "In order to compensate the poorer section of the people from the amount of tax they may have to pay on account of the purchase of clothes of the coarser variety—and I do not think that it will be much, because an ordinary villager's family hardly purchases more than two or three pairs a year—we do propose to set apart, at any rate, some portion of the tax in order to encourage the establishment of a Poor Fund in every place or union to meet the requirements of the needy".

Sir, this was the understanding given, definitely given, to the House by the Hon'ble Finance Minister and on that understanding some of the amendments which we had tabled for excluding coarse cloths from this taxation were not moved at all. Sir, it will be a clear breach of faith on the part of the Government now to go behind those understandings and to divert the entire amount to other heads. My friend Mr. Nur Ahmed and also my friend Mr. Hamidul Huq Chowdhury have already drawn the attention of the Government to the fact that the nation-building departments have been starved. Sir, the Agriculture Department has been starved, the Public Health Department has been starved; although in the appendix to the budget speech it has been shown to have been provided with more money, in reality it has not been paid any excess amount of money compared with the allotment of last year. But compared with the revised estimate of current year, the amount allotted this year shows excess. At the same time we find that the Police and Jails Departments, although they do not show much increase as compared with the revised budget, yet compared with the original budget 10 lakhs of rupees under these heads have been given to each of these departments. It, therefore, clearly shows that the nation-building departments have been starved and the Police and Jails Departments and other departments have been surfeited. Now, Sir, coming to some of the special departments, namely, the Co-operative Department, there was a sub-committee appointed to deal with the question of the rehabilitation of the co-operative societies which were in a moribund condition. I find that nothing has been done with regard to that and the co-operative societies are still going on in that old fashion and people are being still oppressed for their arrears which were largely due to the very high rate of interest which the co-operative societies used to charge previously. It is only meet and proper that all these arrears should be written off as was the recommendation of the special committee, of which I happened to be a member, appointed last year. But nothing has been done in this direction. It is time for Government to consider whether the credit side of the Co-operative Department has not outlived the period of its utility and the sooner it is abolished the better. The rate of interest has now been substantially reduced by the Money-Lenders Act and therefore there is no necessity for the co-operative societies in order to keep down the rate of interest. Therefore, so far as the credit side of the Co-operative Department is concerned, there is no necessity for it any longer. Instead of the societies, it would be much better if the Government take up the question of agricultural credit by establishing agricultural bank in every thana and giving out short term and intermediate loans through their own officers direct realising the same after the harvest time. That would be much better than co-operative societies. Because if such loans are given through co-operative banks, the rate of interest will be naturally high as the

money has to pass through a heirarchy of banks. So, it would be much better if Government give out loans direct through their own officers. I have calculated and found that if 6 crores of rupees be secured by floating loan at 3½ or 4 per cent., Government can establish thana banks in every thana for giving out loans at 6¼ per cent. to agriculturists without incurring more additional cost than what is incurred in running the Co-operative Department. The margin of profit will be sufficient to meet the cost.

Then, Sir, I notice that some help has been proposed for land mortgage banks. This is absolutely unnecessary, because Government cannot establish sufficiently large number of such banks. So, it is only playing with the problem to establish 5 or 7 such banks with an aggregate capital of 10 or 12 lakhs only. The land mortgage bank has to deal with long term loans. In 1930 it was estimated by the Banking Enquiry Committee that the aggregate old debts of the agriculturists was 100 crores and it must now be much higher than that figure—probably 200 crores. It is absurd to think of clearing off this huge debt by Government. Up to now Government have only paid 10 or 15 lakhs and, as I have said, it is only playing with the problem. The allotment of money to the land mortgage banks is, therefore, absolutely unjustified.

Then, Sir, some allotment has been made for the Debt Settlement Boards. This is all right and we appreciate it, as these boards are doing some useful work; but they could do much better work if they were given summary powers of adjudication according to definite rules and if like the creditors of court of wards estates all the creditors could be compelled to apply for settlement. Now, they are only haggling for amicable settlement, but in 80 per cent. of such cases amicable settlements fail. The boards are unable to settle debts unless there is amicable settlement. So, some more power should be given to the boards to compel the creditors to apply to the boards.

I now turn to Agriculture which is our principal industry in this province and, as I have already observed, the grant under this head has been substantially reduced. But even in this war time you should not neglect agriculture as it is the real wealth of the province. It would be very useful in this critical time to increase the foodstuff. Provision of food is more needed during this war period than anything else. It will not only deal with the internal problem but it will also solve the outside food problem. In this connection, I may say that from the report of the Floud Commission, it appears that there is a huge area of cultivable waste land in Bengal, about 37·25 lakhs acres. It is time that Government considers whether this land could not be reclaimed. I hope that something may be done to

reclaim this land and at least some experimental schemes of reclamation are prepared and given effect to. I have been pressing Government for a long time for the reclamation of the land in the Bhati area of Mymensingh. An enquiry was made last year and it was found that agriculture had deteriorated tremendously in that area, so much so that nearly 3/4 of the *aman* lands had gone out of cultivation. The double crop area had decreased by nearly 90 per cent. and still nothing is being done by Government yet. Although it was the result of a Government enquiry, the Government has taken no action yet. I think, Sir, it is a heinous crime for the Government to know it and not to take any action to cure it, when it is curable. Sir, as regards jute restriction the allotment for which occurs under head "Agriculture," I find that the allotment is too much, monstrous I should say. I claim to have some expert knowledge regarding preparation of record.

**Mr. NUR AHMED:** Sir, I rise to a Point of Order. The Leader of the Opposition is speaking without anybody taking notes, when unfortunately the Hon'ble the Finance Minister is absent.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I am taking notes for him.

**Mr. PRESIDENT:** The Hon'ble the Finance Minister has taken the Chair's permission. He has also tendered an apology to the House for being compelled to be absent for a time during discussion of the budget.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, this is a very important matter and the Hon'ble the Finance Minister should have been present.

**Mr. PRESIDENT:** Order, order. In the meantime, he has made arrangements to take down notes on his behalf of the speeches that are delivered by members during his forced absence.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I do not find a stronger word for the allotment under this head than "monstrous", because, Sir, I find that for complete preparation of jute record the actual cost was 10 lakhs 49 thousand and odd in the year 1940-41 and the cost of jute restriction in that year was actually 10 lakhs 88 thousand—the two taken together is 21 lakhs and odd, both for preparation and restriction; but for the current year only for restriction the budget was 22 lakhs. The cost of preparation of record and regulation of jute crop in 1940-41 was 21 lakhs, whereas only for regulation next year the budget was 22 lakhs, and in the revised budget it was increased to 33 lakhs and now it has been further increased to 34 lakhs. What is this? It is absurd on the face of it. The cost of preparation and regulation actually cost in one year only 21 lakhs and the cost of regulation for that year was only something

like 11 lakhs but now the cost of regulation alone is 34 lakhs. Of course, I realize that in the year 1940-41 it takes account of the months of January, February and March only for regulation, and the cost to be incurred subsequent to that is not calculated in that year. But I say, Sir, January, February and March are the months in which licences are issued and these are the busy time of the year; after that there is practically no work for the licensing department. At best, what Government could do is to retain the subordinate executive staff only—the Sub-Inspectors and the Inspectors of Jute Restriction Department but not the licensing staff. If they could discharge job-workers alone, they could make enough saving. They have put down for job-works 21 lakhs of rupees, but in the year 1941 it was only 2 lakhs 50 thousand; in the next year it was 5 lakhs 64 thousand. In place of 5 lakhs 64 thousand, it is now 21 lakhs. I would be prepared to give another 5 lakhs for the remaining period, for another three months, probably for inspection and for finding out whether any jute-grower has grown jute in any plot which has not been licensed making a total of nearly 11 lakhs only. How could it be put down as 21 lakhs I do not understand; it is monstrous, Sir. I draw the attention of the Hon'ble Finance Minister who unfortunately is not here but I hope the Leader of the House will take note of this, as I want a reply on this point.

Now, Sir, I have only a word or two about Communal harmony. No money is necessary for communal harmony. What is necessary is a change of heart and I shall show how it can be done. Sir, we are told time and again that we, Muslims and Hindus, are brothers inhabiting the same land as neighbours and that we should not quarrel. We also reciprocate the idea but, Sir, it must be admitted that of the two brothers, though one is numerically stronger, he is far behind in education and wealth—one is invalid and the other is healthy. What would a sick brother expect of his healthy brother to do if the latter has any affection for him? It is expected that the healthy brother would forego his share of milk in favour of the sick brother and would wish his speedy recovery of health. But what would be the attitude of the sick brother if he finds that the healthy brother far from giving his share of milk to the sick brother, does not like the idea of the sick brother getting his own full share of milk and wishes that the sick brother should remain permanently invalid, so that he can never even think of claiming his share and may be satisfied with what the healthy brother chooses to give him. Sir, unless the Hindu community can learn to look at the communal question from the right angle of vision, no amount of preaching or propaganda would be of any help. They are educationally and financially far ahead of the Muslims. They can afford to be not only just but generous. Let them look upon the Muslims as their sick brothers just struggling to recover their health

and let them meet out the treatment which a healthy brother should under such circumstances. But if instead, the Hindu community thinks that any demand from Moslems for their due share in the administration or in the loaves and fishes of the State is an attempt at encroachment on their vested interest and any mass ameliorative measure to protect the weak from the exploitation of the strong is a communal measure, there can possibly be no communal harmony.' Sir, the Muslims were in slumber for over a century and have just been awakened and are showing signs of political consciousness. It is only natural that they should now claim their due share in everything and if their legitimate demand is branded as communalism, who is to be blamed for it? Let there be real brotherly treatment and the ghost of communalism will disappear in no time like mist. The Muslims should not also think that Hindus are merely exploiters as zemindars and *mahajans*. There should be brotherly feeling from both sides.

As regards the Floud Commission, some steps could be taken to experiment with some of their recommendations. But nothing has been done, even, to see what difficulties are to be surmounted. Some of the subsidiary recommendations of the Commission could at least be considered, such as land alienation and reduction of high rentals.

Then, as regards suspension of the business of the High Court for *Jumma* prayer, I think this is an interference with the religious rights of the Moslems. The Chief Minister claims to be a good Mussalman and he can be satisfied with the present state of affairs. But we Moslems are not satisfied with mere concessions at request, but would like to see that we are given full freedom in the matter of obligatory religious duties.

Sir, I have already said that the late Ministry had given definite understanding to spend the new taxes on nation-building departments. That Ministry could not possibly divert the proceeds of the new taxes to meet the cost of departments not directly connected with the development of the country; but the present Ministry has actually done it. The Ministry may yet consider if in view of the pledge given by their predecessors, they cannot set apart the 35 lakhs which is estimated as the receipts of the new taxes, for economic uplift of the masses. I would appeal to them to muster up courage and to show their genius even at this stage. If they do not do so, the impression will gain ground in the countryside that they have no feelings for the masses. At this critical stage the country will not be satisfied with the mere idea of having intellectual giants or veteran politicians at the helm of affairs, but the country will judge them by their action. Let them show by their action that they have ideas and imagination: that they feel for the starving millions of Bengal and their appalling illiteracy. The days of tall talks and slogans must go and the age of real constructive work should dawn, if the masses are to be raised and the country

is to prosper. It will be up to our Ministers to take the time by the forelock and take full advantage of the war conditions for developing the country. Will they be prepared to do so?

With these few words, I resume my seat.

**Mr. DHIRENDRA LAL BARUA:** Mr. President, Sir, the Hon'ble the Finance Minister has attempted a smooth sailing and followed a path of least resistance in presenting this year's budget. He has stopped us from putting forward any new and additional demand on the ground that the budget had to be framed with a view to "nation-saving" instead of "nation-building". The redeeming feature of the budget presented obviously is that the Hon'ble the Finance Minister has not embarrassed his position as popular leader of Bengal by proposing to wipe out deficit by resorting to any new taxation. And yet I may remind him of the fact that when new taxes were imposed in previous years, they were imposed with the express purpose of strengthening the "nation-building funds" at the disposal of the Provincial Government. How far that promise has been kept and fulfilled is a question to be answered by the authorities concerned. Upon the whole, it seems to me that the purpose of the budget is to maintain the *status quo* of administration. It is wise, sound and laudable no doubt in face of the present war situation and great dangers ahead. But it cannot be said that in the budget no new and additional provisions have been made.

Without dwelling on the budget as a whole, I will confine myself to certain observations concerning the vital interests of my community —I mean the Buddhists of Bengal speaking different languages, representing different races and inhabiting different districts. I am painfully aware of the fact that I am to plead my case under a constitution in which number alone counts. But I am the spokesman of a minority community with a cultural heritage and an international importance not inferior to those of any other people or community. The Buddhists of Bengal are the living possessors of that heritage. They are the descendants of those great forefathers who were the founders of several universities and colleges even in this province, who were the disseminators of learning far and wide.

In order to ensure a steady advancement of the community as a whole, I have been asking for a special provision of Rs. 20,000 only for the higher general and technical education of our students and for their hostel facilities in Calcutta and Chittagong, the two great centres in Bengal where the Buddhist students come from different quarters for the study of different subjects. But I am so far denied even this paltry sum on the ground that there is no sufficient reason for it. Like John the Baptist, eating on locusts, I am crying in the wilderness. I take it that by sufficient reason or ground is meant the

number of voting strength in the two Houses. I may point out with confidence that the present Buddhist population is not less than other minority communities enjoying substantial and special grants for education. Similarly, there are special provisions for the Scheduled Caste, and even for a major community such as the Muslim. I do not grudge them nor will I grudge them so long as it concerns education.

There are two Buddhist hostels, one in Calcutta and one in Chittagong. The small grant-in-aid received either from the University or from Government is eaten up by house rents and the Superintendent's pay. But what I wanted and do want now is that the poor students themselves should derive the benefit, while under the present arrangement the Buddhist students are entitled to no concession at all. What is urgently needed is that provision should also be made for certain rent-free seats or seats at reduced rents for our students enabling a large number of them to reside in Calcutta and in the town of Chittagong. As regards the Chittagong hostel, I wanted it to be arranged in such a manner that both the college and school students might equally take advantage of it. In other words, I want facilities and a real incentive to higher education.

Given such opportunities, past results show that our students are capable of great achievements. For instance, one special State scholarship was awarded to one of our students in 1914 and his success served as an incentive to many others, and during the last 15 years eight students, 6 boys and 2 girls, have gone to England for general and technical education even without Government help. But since 1918 no State scholarship has been granted to any of our students. The present India Act pledges sufficient safeguards for the interests of minorities. But does not the real advancement of the Buddhist minority depend very largely in its fitness to take a prominent part in all branches of administration and commercial and industrial activities of the country? How can our youths acquire this fitness unless they are given facilities for educational training? To deprive them of such facilities is to put an eternal bar to their progress. I believe that an annual provision of so modest a sum as Rs. 20,000 only may suffice for the present to ensure educational advancement of my community.

I have expressed on occasions more than once our gratitude to Government for the budget grant of Rs. 5,900 only for the Pali *tôls*. There were hardly any Pali *tôls* worth the name before this grant was made. But with this incentive from Government we have a number of Pali *tôls* functioning in different parts of Bengal. One regrettable fact is that in spite of the growing number of Pali *tôls* the amount provided for in the budget was not fully spent last year, while in the year before last when the number of such *tôls* was less, there was no surplus left.

With regard to the Chittagong Hill Tracts, I am sorry I have to observe that the budget estimates of the cost of education are growing less year after year. In order to help the Buddhist dwellers of Chittagong Hill Tracts there should be founded as many industrial and agricultural schools along with the primary schools. The same remark applies equally to the Arakanee settlers of Cox's Bazar subdivision and of Khepupara in the Bakarganj district and to the Himalayan Buddhists of the district of Darjeeling.

In connection with my memorandum to the Government of Bengal I submitted a detailed scheme of utilization of the amount to be provided for in the budget. But unfortunately no favourable response thereto has so far been received. If the popular Ministers were satisfied that there was sufficient reason for making provision for Buddhist theological education, why should there not be sufficient reason also for due provisions for their secular education and training? I plead the cause of education because after careful consideration I find that there is no better way of helping my community towards progress. I need not dwell upon the value of education which is better known to a great educationist such as the present Hon'ble Finance Minister. If it is too late now to do anything special for Buddhist higher education in the present budget, I sincerely hope that due provisions will be made therefor in the supplementary or revised budget.

**Mr. AMULYADHONE ROY:** Sir, I congratulate the Hon'ble Finance Minister for the presentation of his budget as best as he could within the short time of his career as the Finance Minister of this province. But congratulation does not mean that the Hon'ble Minister should go without criticism. However, Sir, leaving aside that criticism for the moment I wish to raise an important point concerning this House as well as the other. My honourable friend Professor Humayun Kabir has already referred to that. My repetition shows that how strongly we feel on this point. The point is that though the departments of the Legislature have been separated from the Secretariat Departments yet in the name of constitutional difficulties our departments have been placed under the control of the Home (Constitution and Elections) Department of the Secretariat. Does the Hon'ble Finance Minister like that our departments should approach the Home Department even for a piece of paper or for a pin? Is it not possible to establish a convention on the analogy of the Legislature Departments of the United Kingdom? Mr. Speaker of the House of Commons and the Lord President of the House of Lords prepare their own budget and by convention are not expected to be subordinate to any department of any Minister of the British Cabinet. Their decisions are more or less final and the decisions are forwarded to the Finance Department merely for concurrence. In other words, the

Ministers stand in the position of post office in relation to the Legislature Departments of the United Kingdom, whereas the Home Department acts as the Intelligence Branch over the heads of the departments of the Bengal Legislature. As the question of economy, independence and retrenchment is involved in this issue, I would request the Hon'ble Finance Minister to go through this matter and find out whether he can place the departments of the Legislature on an independent footing like those of the United Kingdom.

I would now earnestly request the Honourable Leader of the House to take note of the submission I have now to make before this House. Sir, I have already submitted before this House that the Hon'ble Finance Minister should not go without honest criticism. It is my duty to tell him in most clear and distinct terms that our expectations have fallen far short of the realities as we notice in the budget estimate of the Hon'ble Finance Minister, the learned Dr. Syamaprasad Mookerjee.

Dr. Mookerjee must realize that he is not only an important member of the Cabinet of this province but occupies to-day an exalted position in an organization outside. Therefore the Ministry consisting of more than a quarter of a dozen of Hindu Ministers is undoubtedly aware of the economic, social and educational condition of half of the members of that society constitutionally termed as Scheduled Castes. Am I to tell the Ministry that the Scheduled Castes are living in complete ignorance, without the knowledge of the born right of humanity! am I to point out that for want of education they are unable to understand the civic and political issues submitted to their judgment? Is it not the duty, the bounden duty of every civilized Government to educate their masters but where is the money? Where is sufficient money provided in this budget estimate? Sir, by an agreement between the Scheduled Castes and the remainder of Hindus the provision for setting apart a substantial amount of the provincial revenues for the educational advancement of the members of the Scheduled Castes finds a place in that historic solemn agreement popularly known as the Poona Pact. The cause of our education used to receive support and encouragement of some of the new Hon'ble Ministers at a time when they adorned the benches of the Opposition. The creation of a special fund for the Scheduled Castes immediately following a no-confidence motion against the old Ministry was the result indirectly achieved by the then members of the Opposition. Look at the proceedings of the Bengal Legislative Assembly and if the Hon'ble the Leader of the House wants a copy I may supply him and find out who were bewildered with joy at the first defeat of the last Ministry on the occasion of passing a resolution with the votes of the Opposition Groups to provide a sum of 9 lakhs for the spread of education amongst the Scheduled Castes. All these things happened at a time when the members of the Opposition did not occupy the Treasury Benches and

may I ask the Hon'ble Dr. Mookerjee who is the Finance Minister, where is the money now? Since the introduction of Provincial Autonomy the Hindus have for the first time now accepted responsibility on their shoulders to carry on the administration of the province and they have been put to a critical test I should say. Let not the support of the past few years witnessed by a cry of suspension of the constitution be understood as placating the members of the Scheduled Castes in order to capture the Ministry. Sir, there is another matter equally important which I would very much like to submit to you. I shall fail in my duty if I do not refer to the utterly inadequate representation of the Scheduled Castes in the Cabinet and I submit, Sir, that any disregard or neglect of their legitimate claims, especially at a time when the Hindus are in power, might lead to a feeling of distrust between the Scheduled Castes and the remainder of the Hindus. We have been painfully struck by the attitude of some Hindu leaders towards this community, which may be compared to that of the British politician towards the question of India's independence. Even the late Ministry consisting of what they described as reactionary forces of the country, led by the Hon'ble Mr. A. K. Fazlul Huq who is even now our Chief Minister, provided for better Scheduled Castes' representation in the Cabinet in 1937 than what the progressive elements composing the present Cabinet have found it possible now. Sir, most of the members of the Scheduled Castes of the Legislature shared their joy and sorrow during the past few years and only with their help the present Ministry has come into power.

The Scheduled Castes are more united in 1942 than they were in the year 1937. However, Sir, in all fairness to that great leader Mr. Sarat Chandra Bose, I must submit that this injustice would not perhaps have been perpetrated had he been allowed to remain outside as a free citizen. Injustices have no doubt been perpetrated but let not these be perpetuated any more, let not the feeling of distrust between the Hindus and the Scheduled Castes be deeprooted; let not a precedent be created that our rights and interests cannot be safeguarded without statutory provision. Let not this bear an example of fairness to all communities concerned as loudly proclaimed by the Hon'ble the Finance Minister on the floor of this House.

Sir, with your permission, I like now to take up a subject of great complexity and difficulty and that is the question of creating a peaceful atmosphere between the communities. The Hon'ble the Finance Minister has the greatest support in restoring amity and understanding, peace and harmony between the two great communities. But, Sir, in order to establish communal harmony mere words of sympathy will not do. No amount of whitewashing, no amount of lip-deep sympathy, no amount of surface unity can ever bring prosperity and happiness in this land. I ask the Hon'ble the Finance Minister in all seriousness if he has ever looked to his own domestic problem.

The banishment of mutual distrust and suspicion from this unhappy land of ours, entirely depend on the solution of economic and political issues with a broad and impartial outlook followed by practical actions.

Sir, the remedies lie in not keeping these issues in the background for the time being as the Hon'ble and learned Doctor is led to believe, but in looking to the realities of the situation and facing the facts as they are. Sir, I put it to the Hon'ble the Finance Minister whether he is aware of the fact that an organisation outside is making an attempt for the political abolition of the caste system while the Hindu society is not quite free from its traditional severity. Does he believe that it is possible to establish a brotherly feeling by such an attempt?

**Mr. KADER BAKSH:** Mr. President, Sir, frankly speaking, I had no intention to take part in the debate. In fact, I had not the least idea of taking part in it. But I have now been prompted by some considerations to take part in this debate and the reasons therefor are these: We know well and you, Sir, know as well that this House has not the least power to control and shape the destiny of the budget or to alter the course of the budget in any way. So, we cannot feel encouraged to take any serious part in a debate like this. It is only an academic discussion. Now, Sir, I have been in this House for the last 5 years. During the earlier years, I used to take part in the budget discussion and the suggestions given by me and other honourable members were never heeded by the Government. So, it is needless to spend breath over this matter. This is the first consideration. The second consideration is that in spite of the directions given by the Chair on several occasions in the past, the Hon'ble Ministers concerned are sometimes not present in the House to listen to our remarks.

I would therefore make an humble request to the Ministers to be present when an important discussion such as the budget discussion is taking place in this House, although our past requests have all gone unheeded. Now, Sir, my learned friend Mr. Amulya Dhone Roy has made a passionate appeal to the Finance Minister regarding safeguarding the interests of his own community; but, Sir, on whose ears have those words fallen? We have seen that the Finance Minister has been absent since the time Khan Bahadur Saiyed Muazzamuddin Hosain began to speak, and we have been assured by you, Sir, that the Hon'ble Mr. Abdul Karim has been taking down notes. But I find that only two Hon'ble Ministers are present and none of them has been taking notes. He or they both might be taking notes mentally. However, Sir, I do not want to discuss the question as to whether any Minister is taking notes on the Finance Minister's behalf or not. What I submit is that the absence of the Minister chiefly concerned to-day is most unreasonable and insulting to the House, inasmuch as we are obliged to make our suggestions in his absence. Another consideration

for which I did not at first like to take part in the discussion of the budget is that the Finance Minister has taken shelter behind the plea of a nation-saving budget and that he had no time to go through the factors that make a budget since he was in office only for two months. Now, Sir, as it is war-time, he should have taken war-time precautions——

**Mr. PRESIDENT:** Order, order. As regards the honourable member's observation regarding the absence of the Hon'ble Finance Minister, I have already explained to the House that the Finance Minister had my permission for being absent, his presence being required at Government House on some urgent work of State, but I expected him to come back early. If he does not come back within 5 minutes, I shall be painfully obliged to stop all discussions to-day. I see only two Hon'ble Ministers at present in the Chamber. I have also noticed that there are other Hon'ble Ministers who have not attended any meeting since the Budget Session commenced. The Chair feels along with the honourable members of this House that this is unfair to the House. Budget discussions lose all importance if the Ministry continues to act in this way.

**Mr. KADER BAKSH:** I am painfully aware that the Honourable Leader of the House more than once mentioned that he was taking notes but I did not ever see him taking notes for the Hon'ble Finance Minister, and all that we have said in this House have fallen on unfeeling and "unhearing" ears. I may repeat with your permission, Sir, that the Finance Minister has taken shelter under the plea that it is war-time and that, moreover, he could not go through all the factors which have to be taken into consideration in preparing a budget because he has only been two months in ministerial office just then. Be that as it may, Sir, I think, that, being a highly-educated man, a great leader, the Hon'ble Finance Minister should not have taken shelter under the plea of want of time, etc. However, Sir, I shall not pursue this point any further but come directly to the budget itself.

I find that a provision of rupees four crores has been made for the nation-saving department. Out of this two crores will go for the payment of salaries to the A. R. P. officers. I, therefore, beg to submit that if 50 per cent. of this provision goes to meet the salaries of the officers then it is a most unsatisfactory arrangement. Then, some amounts of 15 lakhs, 2 lakhs and 3 lakhs for saving the lives of the people of Calcutta have been provided. It is most unfortunate. Now, Sir, everybody in this House must have read the newspaper statement: it says that there is every possibility of air attack on Chittagong, Serajganj, Comilla, Hill Tracts and right up to Assam. But I am

sorry to find that no provision has been made for these places. Why? I pause for a reply. Calcutta is not the only place where the activities of the Government should be concentrated. The lives of the people of these places are also valuable and arrangement should have been made in these places as these places are in equally danger zone. Provision for saving the lives of the people is the first concern and arrangement should be made for this. Every member of different groups, whether Muslim League, Independent Group, New Coalition Group or Government Group,—I for myself may say that I do not belong to any group, I am unattached to any group, but I am not untouchable, have spoken on this subject. My friend Mr. Humayun Kabir has shown by giving practical example how reduction might be effected under several heads without any difficulty. But I can assure him that such things will go unheeded. He thinks perhaps that now that he has gone to the Government side his suggestions would be heeded. But I doubt about it.

Then, Sir, with regard to another matter—I mean the contour survey of North Bengal—I may say that this irrigation plan was taken up two years ago by the then Ministry. But nothing has been done materially. No scheme for tank improvement has been made in Dinajpur though tanks are more numerous here than in any part of the province. There are tanks in this district——

**Mr. PRESIDENT:** Order, order. I now adjourn the House for 15 minutes and if after that——

(At this stage the Hon'ble Mr. Santosh Kumar Basu entered the Council Chamber.)

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Sir, may I make a submission before you adjourn the House?

**Mr. PRESIDENT:** Yes.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** What I am submitting is this: the Hon'ble Finance Minister had decided to stay in the Chamber till the very end of to-day's sitting; but certain important question has arisen with regard to State matter which required immediate consultation with higher authorities and that is the reason why he and the Hon'ble Chief Minister have left. But before I left the Chamber I took your permission that I might be allowed to leave and do some very urgent work in connection with the civil defence of the province. If I knew that the Hon'ble Finance Minister left at a particular point of time I would certainly have come and attended the House. In the circumstances if there is no difficulty in carrying on the proceedings of the House I would request that the proceedings may continue.

**Mr. PRESIDENT:** As I have said, I can quite realize the absence of certain Ministers and even of the Chief Minister or the Finance Minister on some unavoidable business. I have also explained that the Hon'ble the Finance Minister at the time of leaving the Chamber to-day was good enough to mention to me that he was required elsewhere urgently. But it is also my duty to see that other Ministers are present, because at one stage I found that only one Minister who belongs to this House was present in the House when important matters about Agriculture and other important subjects were being discussed by the Leader of the Opposition. As I have said, I do not agree with the view that those Ministers who do not belong to this House may make themselves absent on such important occasions. They are given the right to participate in the proceedings of this House with a specific purpose. As I have said, I shall now adjourn the House for 15 minutes. The Hon'ble the Finance Minister is already absent for more than half an hour and without proceeding further in his absence let me adjourn the House for 15 minutes and see if he comes back by that time.

The House stands adjourned for 15 minutes.

*(After adjournment.)*

**Mr. KADER BAKSH:** I am very glad, Sir, that the Hon'ble President took the right step and now that the Hon'ble Finance Minister is present we would be able to speak and make our submissions before his very person.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** I think, Sir, an apology is due from me to the House. The Chief Minister and myself were urgently summoned to Government House and as I did not wish to interrupt the honourable member who was then on his legs I mentioned the matter to the Hon'ble President and I obtained his permission to go. I am fully aware of the fact that the Finance Minister should be here when the general discussion of the budget is going on and I hope, Sir, the House will accept this explanation which I am offering.

**Mr. KADER BAKSH:** I must thank the Hon'ble Finance Minister for what he has said just now by way of explanation or something like that. Now, Sir, as I have submitted, the members occupying the Opposition Benches expect that the Hon'ble Ministers would be present and would hear their grievances, because their grievances are seldom heard and redressed.

Now, Sir, the two pleas that have been given by the Hon'ble the Finance Minister as I mentioned a few minutes ago, are firstly that

he could not go through the budget, could not get time to go through and frame a very good budget and secondly that the war situation presented itself and therefore I did not like to criticise the budget when he has taken these two pleas. But I cannot help mentioning one or two things. He said that the commitments of the last Ministry were both good and bad and they had to be attended to. I cannot understand what he means thereby. He has been very vague on that point; not definite. What was bad in the last budget? What was bad in the last commitment? What was the commitment that was bad he should have been bold enough to tell us. What is bad he has not given us. Anything bad must certainly be rejected without any consideration because it cannot be made good. So he should have been bold enough to reject the commitments that were made by the last Ministry if they were bad. Then again, Sir, coming to the next point, there he has given us the idea that there will be no famine and no distress; that there will be no riot during the next year. He has said that a great toll on the exchequer of the province was taken last year, for cyclone, famines, etc. About Rs. 70 lakhs were spent and he has provided only Rs. 2½ lakhs for famines and nothing for riot. Well, Sir, a greater riot is being expected—I mean the war is at our doors and Burma and Assam are in the danger of seeing the riot, an unprecedented riot in the history of the world, very soon. He should be prepared to make more provision for that riot and not for communal riot. But he has anticipated that riot and has described it in very bold letters and in bold language in the budget. Sir, famine has become an everyday occurrence in Bengal for which Rs. 2½ lakhs is meagre. There is no danger of any riot in rural areas. The riot takes its seeds in urban areas, in towns and why? It is not because of the jealousies between brothers that riot exists in towns it is because of the desire of cheap leadership. These are strange but true. We people, Sir, foment these things in the town to achieve our selfish ends and exploit the unfeeling masses, the poor villagers. We do create, foment and allow the riots to continue. Now to quell the riot,—to bring about communal harmony—the Hon'ble the Finance Minister has made a provision of Rs. 1 lakh. I do not know, Sir, whether Rs. 100 crore will be sufficient to do this. I think we cannot stop these things unless the so-called leaders are stopped from fomenting these riots. I appeal in all earnestness to the leaders of both communities here in the Ministry to take steps with a very strong hand to stop these so-called leaders in the mofussil areas who are by nature bad people.

Sir, I do not know what will be the items of expenditure on which this sum of Rs. 1 lakh is going to be spent—whether it is going to be spent on pamphlets publishing headlines which will be of no good to the people. I may suggest one thing in all humility and that is that all prominent men from mofussil may be called in a conference to devise ways and means as to how to achieve amity between these two

communities. If that is not done a provision of Rs. 100 crore even will not be of any good to us. They are busy with Calcutta and with places thereabouts.

I will again appeal to the Finance Minister in all humility and with all the earnestness that I can command that they will be good enough to look at those places which though they are far far away from us, are not as far away as the Himalayas.

**Rai Sahib JOGENDRA NATH ROY:** Mr. President, Sir, I must confess at the very outset that it is really a very difficult task on my part as also it has been on the part of some other honourable members of both the Houses to criticise the budget that has been presented by the Hon'ble Finance Minister. The present Ministry has just stepped in, inheriting all the omissions and commissions of the last Ministry. The circumstances in which the budget has been presented are as the Hon'ble Finance Minister has frankly said "without parallel in the history of our country". A most devastating war the parallel of whish the world has perhaps never seen is knocking at our doors. Our very hearth and home are in danger of being ruined, our men massacred, our children and women are in danger of being crushed, and the fair face of our great country turned to a piece of "scorched earth" out of existence. Can we then reasonably in the face of these imminent danger expect anything better than a war budget? Is it the proper time to look to the improvement of the nation-building departments? Certainly we cannot expect the present Ministry situated as it is in such extraordinary circumstances to rectify the mistake of the past and to effect real improvement in their departments in spite of the fact that these improvements are the constant dreams of their lives.

But we should also at the same time look at the other side of the shield. In order to be perfectly fair to the interest of the country, specially to that of the constituency I represent and above all to be true to my conscience, I must say something about the details of the budget and must venture to give some suggestions with a request to the Hon'ble Minister to take notice of them.

The budget is on the whole rather not inspiring from various points of view. The Hon'ble Finance Minister is also quite aware of it but he is rather helpless. So we don't like to dilate much on this matter but we pass on to make some remarks on some of the prominent items of the budget.

First, let me take up the proposal for expenditure over Rs. 4 crores on civil defence. It should of course be a principal item in war emergency. But it must be noticed by the Government that the expenses are properly and reasonably made and not a single farthing is misused. Moreover, Government's attention should not be only

concentrated on the city of Calcutta but would be directed to all other parts of Bengal specially to those parts that have been declared to be within emergency area No. 1. With the fall of Singapore, the whole of the Bay of Bengal is now open to the enemy and they are at liberty to launch their attacks simultaneously on several parts of Bengal. So all these parts of our country should get suitable share of the money. As regards the emergency areas within class 1, I shall here only speak of Asansol and its neighbourhood because I represent that area in this House. The civil defence measures that have been taken up here by the A. R. P. authorities consist of partial black-out at night, digging of some slit trenches on both sides of the Grand Trunk Road, and the construction of baffle walls in Government buildings. Besides these, we do not notice in this area any other preventive measures adopted. For instance there have been made no arrangements for alternative sources of drinking water, for providing A. R. P. shelters to those persons who might be rendered homeless by air attacks. Then again, there are some public institutions which also badly require some Government help for adopting A. R. P. measures. I must here mention the name of a public institution with which I am very closely connected. I speak of the only Girls' High English School, in the town—the Umarani Gorai Mohila Kalyan Girls' School. The school owes its present position to a very humble beginning and how through various difficulties both pecuniary and otherwise, the school has now turned to its present condition has been recognised by the University for Matriculation Examination and has also been fortunate to secure some Government aid. But the financial condition of the school is not yet quite satisfactory and it can somehow meet its expenses.

In spite of the fact that the area has been declared an emergency area of class 1, there is almost normal attendance of girls. Under the instructions of the University the school is adopting A. R. P. measures. Baffle walls have been constructed but there are many things still left to be done. The school requires at least Rs. 1,000 to complete these measures and it can ill-afford to meet these expenses and probably at least for its inability to meet these expenses, the school will have to be closed, though there is almost normal attendance of girl students to the school. May I therefore beg to draw the Hon'ble Finance Minister's attention specially to the poor institution of my area. Both the Hon'ble Minister for Education and the Hon'ble Finance Minister are very keen about the education of the country—especially female education. So my request to them is that in disbursing the funds for A. R. P. measures, they will kindly see that suitable monetary aid is immediately granted to this poor institution. I would also like to draw the Hon'ble Minister's notice to the immediate adoption of other essentially necessary measures in connection with A. R. P. at Asansol and its neighbourhood—measures almost

similar to those that are being adopted by the Government in Calcutta because both belong to the same class and are similarly open to attacks.

Secondly, regarding the provision of one lakh for the promotion of communal harmony, I must congratulate the Government for it. Communal discord has for some time been marring the fair face of Bengal and the most shameful and disquieting news that we almost daily get from the newspapers overwhelm us all with a sense of despair and sorrow. But on the background of such gloom and despair there have arisen the present Ministry—an embodiment of Hindu-Muslim unity—like the glittering rays of the first rising sun, heralding the dawn of a new epoch of unity, love and prosperity in Bengal. The Hon'ble Mr. Fazlul Huq, our Premier and veteran countryman, and the Hon'ble Dr. Shyamaprasad Mookerjee, the distinguished son of a distinguished father, are by their union going to be the precursors of a new era not only in Bengal but also in India and we almost fervently hope that communal strife that had so deeply blackened the face of our country during the last ministerial regime, will soon disappear at the earnest effort and zeal of the above two distinguished sons of India. So I think the Legislature will certainly approve of this special provision of one lakh of rupees for bettering communal relationship in Bengal. But at the same time I must also acquaint the Government with the suspicion that lurks in the mind of some people that in the guise of promotion of communal harmony the sum will be actually spent for party propaganda. I can however safely assure those people that they will soon find that their suspicion is baseless and ill-founded and every farthing of this sum has been utilised for the best interest of the country.

Thirdly, regard the yield of the operation of the Sales Tax Act, it was previously told to the House that it would be utilised for the improvement of the nation-building departments. But now it appears that the income from the operation of this Act is going to be utilised for the purposes of ordinary administrative work of the Government. May we not hope that the Government would try its best to earmark this income for the purposes for which it was originally proposed to impose?

Lastly, Sir, on the item of expenses for general administration, the Government have ample scope for further retrenchments, thereby saving a good amount which may be more profitably devoted for the improvements of cottage industries, and nation-building departments. Some of the members of the present Ministry have very often spoken of the top-heavy administration of this province. May we not fairly expect of the present Ministry to do something in this direction to cut down these expenses as far as possible without injuring the administrative machinery? The Government should also remember one class of people of Bengal—a major part of its intelligentsia—people

who have been always taken and will always take the foremost part in the erection of the future generation of this Council—I mean the teachers of Bengal, specially the teachers of the emergency area of class 1, who have been or will be suddenly thrown out of employment from this department services without any remuneration whatsoever. May we not hope that the present Ministry by curtailing expenses in other directions, should set apart a sum for the help of this section of the intelligentsia of Bengal?

Sir, I have taken rather a long time and I will not disturb the patience of the House any longer. But before I conclude and resume my seat, one thing I must say. It is indeed a great relief to us all that even in the face of such a heavy deficit, the Government has not taken recourse to fresh taxation for that would have been an additional burden upon the already over-burdened people of Bengal.

In conclusion I must say something about the personnel of the present Ministry and in this matter I hope I am only voicing the feeling of the general public. The present Ministry consists of some of the most distinguished sons of Bengal—indeed such a combination of the finest fruits of the University and the leaders of the so-long opposite camps, is rare in the annals of India, and Bengal is justly proud of them and expects much from them in the matter of promoting communal harmony and facilitating all-sided improvements in the country. The fact that there is absolutely no such trenchant criticism of the Government from the side opposite, proves that the Legislature, and behind them the people of Bengal, have full faith in the Government.

With these few words, Sir, and with a repeated request to the Hon'ble the Finance Minister to take note of the above suggestions, I beg your leave to resume my seat.

**Mr. PRESIDENT:** The Council stands adjourned till 2-45 p.m. to-morrow.

## Adjournment.

The Council then adjourned till 2-45 p.m. on Wednesday, the 25th February, 1942.

## Members absent.

The following members were absent from the meeting held on the 24th February, 1942:—

(1) Mr. Altaf Ali.
(2) Rai Bahadur M. N. Bose.
(3) Mr. Hamidul Huq Chowdhury.
(4) Mr. B. C. Dutta.
(5) Mr. N. C. Dutta.
(6) Mrs. K. D'Rozario.
(7) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(8) Mr. K. L. Goswami.
(9) Alhaj Khan Bahadur Shaikh Mohd. Jan.
(10) Khan Bahadur Mohammad Asaf Khan.
(11) Maulana Mohammad Akram Khan.
(12) Mr. W. B. G. Laidlaw.
(13) Sir T. Lamb.
(14) Mr. J. McFarlane.
(15) Mr. Naresh Nath Mookerji.
(16) Dr. R. K. Mookerji.
(17) Mr. R. Paul Chowdhury.
(18) Khan Bahadur Kazi Abdur Rashid.
(19) Mr. J. B. Ross.
(20) Mr. S. N. Sanyal.
(21) Sir B. P. Singh Roy.
(22) Raja Bahadur B. N. Sinha.

B. G. Press—1942-43—1145A—750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session—No. 7.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 25th February, 1942, at 2-45 p.m., being the seventh day of the First Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

## QUESTIONS AND ANSWERS

*Question which remained unanswered during the December, 1941 Session.*

### Dacca Riot.

**51. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many criminal cases have been instituted at Dacca as a result of recent Hindu-Muslim riots there?

(*b*) Out of these cases, how many are against Muslim accused and how many against Hindu accused?

(*c*) How many Muslims and how many Hiudus have been convicted in these cases up to this time and how many of either communities have been acquitted or discharged up to this time?

(*d*) How many such criminal cases have been withdrawn up to this time? Out of these, how many against Muslim accused and how many against Hindu accused have been withdrawn?

(*e*) Is it a fact that some criminal cases arising out of the Dacca riots have been withdrawn without Government's consent?

(*f*) If so, what is their number and under whose orders were they withdrawn, and why?

**MINISTER in charge of the HOME and PUBLICITY DEPARTMENTS (the Hon'ble Mr. A. K. Fazlul Huq):** Particulars on the 10th December, 1941, were—

(*a*) 2,811.

(*b*) 2,318 against Muslims; 493 against Hindus.

(*c*) 17 Muslims and 14 Hindus have been convicted.

12 Muslims and 55 Hindus have been acquitted or discharged so far.

(*d*) Seven cases against Muslims and 2 cases against Hindus have been withdrawn.

(*e*) Yes.

(*f*) Nine under the orders of the District authorities on different grounds.

**Mr. NUR AHMED:** Will the Hon'ble Minister be pleased to state if the Ministry is considering to withdraw the cases not tried up to this time for the sake of establishing communal harmony in Bengal?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** That question is being considered.

### Conviction of Mr. Kailash Chandra Sarkar.

**4. Mr. HUMAYUN KABIR:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if he is aware that Mr. Kailash Chandra Sarkar, Secretary, Madaripur Krishak Praja Samiti, was convicted under the Defence of India Rules for participating in the demonstration held on the 28th February, 1941, in connection with the "Jute Day" declared by the Nikhil Banga Krishak Praja Samiti to protest against the jute policy of the then Cabinet; and

(*b*) if it is the intention of the present Ministry to continue the policy of the last Government of using the Defence of India Rules for preventing legitimate criticism of the legislative measures of the Government?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) He was convicted and sentenced for an offence under rule 56(4) in respect of holding and taking part in a procession and a meeting at which he delivered a speech. The meeting was ostensibly to protest against the jute regulation policy of Government, but was considered to be objectionable by the local officers.

(*b*) No Ministry of which I am the head has adopted or will adopt a policy of stifling legitimate criticism of legislative provisions.

**Mr. HUMAYUN KABIR:** Is the Hon'ble Minister aware that his sentence has been modified on appeal to the District Judge's court?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Yes, I am told that his sentence of imprisonment has been set aside and the accused has moved the High Court for a revision of the sentence.

**Mr. HUMAYUN KABIR:** Will the Hon'ble Minister now consider the desirability of not contesting his appeal in the High Court since the policy of the Government has now changed?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** On a consideration of the facts of the case, I am prepared to accept the suggestion of my friend and not contest the motion for revision of the sentence by the High Court.

**Mr. HUMAYUN KABIR:** Thanks.

## General Discussion on Budget.

**Mr. PRESIDENT:** The House will now resume the general discussion of the budget.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, yesterday at the time of the budget discussion most of the Ministers were not present in this House when I made certain comments regarding some departments some of which were very important. We have no right to comment after the Finance Minister has replied to the budget discussion as in the case of the Lower House where there is voting on grants. This is the only occasion when we expect to hear what the other Ministers have got to say regarding these comments. Of course, the Finance Minister is the Minister in charge of the budget but he is not in charge of the different departments, and so it is neither possible, nor is he competent to give reply to the comments made by us in this House regarding other departments. I would, therefore, ask your ruling, Sir, on the point as to whether other Ministers should not also make statements regarding the comments that are made in connection with the budget discussion.

**Mr. PRESIDENT:** The Chair agrees with the Hon'ble the Leader of the Opposition that if any suggestion is made with regard to the other departments, the Ministers in charge of those departments also should reply to those points. That would be very convenient.

**Mr. SHRISH CHANDRA CHAKRAVERTI:** Mr. President, Sir, I met a friend of mine the other day and he described to me the Upper House as a House of Regrets. Here there are two parties, one is the Ministerial Party and the other party of the ordinary members, and what we are doing is only to express our regret for something done or not done. So far as our position is concerned, we have always insisted, as the Deputy President pointed out the other day, that some of the members of this House should be taken in the Public Accounts Committee. Unless we are on the Committee of Public Accounts, we can not get any insight into or any inside knowledge of the working of the departments of Government. We at present do not see any scheme. We have no material on which a scheme is put forward by Government; we simply get the beautifully-bound red and green books which contain a lot of materials but we do not know the real connection between the schemes and how they are interlinked. Moreover, the departments that are working under this budget are vast in number. Unless we come in touch with the Ministers in charge and the Heads of Departments who are responsible for the formulation of the schemes, it will be quite impossible for us to understand the budget and to be in anyway useful in this direction. We all know that we have got no power to vote upon demands for grants and that is a great disability on our part. Naturally, that is why our suggestions and observations do not receive the attention from Government that we expect. And we feel so much on this point, Sir, that I should like to make it clear to the House through you, and I also appeal to my friends here that unless some of the members of this House are taken on the Public Accounts Committee, henceforth we would refuse to participate in the discussion on the budget. (The Hon'ble Dr. SYAMAPRASAD MOOKERJEE: That will be another retreat!)

My next point is with regard to administrative expenses. As my friend Mr. Humayun Kabir pointed out, there is a tendency to increase these expenses from year to year. It is, of course, true that the more of nation-building work we take up, the more money will be required. But, Sir, have we really done any nation-building so far? Instead of nation-building we have perhaps built our own Ministry or probably our own building; instead of rehabilitating our national finances, we have perhaps built up our own finances; and instead of improving the condition of the nation we have perhaps improved our own.

Sir, a good deal of searching of heart is necessary and I say this to the Government as well as to the present Opposition members who until recently formed the Government of this province. I must also address a word to the present Ministry who have undertaken the responsibility of office—and most of whom had hitherto formed the Opposition—that the time has come for giving a proof of their mettle as their action will be judged before the bar of public opinion.

Every Ministry is as a matter of course a national Ministry; but to become truly national it must be inspired and sanctified by the idea of sacrifice and denial of self. The Hon'ble Ministers are more aware of the fact than myself what a grave danger is staring us in the face,—I mean the Japanese menace. In such a time as this, can we not expect, now that both the Provincial and Central Exchequer is hard pressed for finance, that the Ministry and its adherents and supporters should be satisfied with the minimum amount for their emoluments as recommended by the Praja Party and the Congress? It is expected that the Hon'ble Ministers should set an example to others by accepting the minimum. It is well known that the Japanese who have been showing great industrial and at the present moment undoubted military efficiency allow only Rs. 500 to their Premier. The Hon'ble Ministers are the leaders of the people and I fervently hope that they will rise above petty personal considerations of salary and bring round their party adherents to their way of thinking and thus justify the support they have received. In Australia, I hear that all-round retrenchment has been effected. Why do not our Ministers prevail upon the officials to agree to a voluntary cut and augment the resources of the Government to strengthening the nation-saving items?

Then, Sir, as regards the utility of the Debt Settlement Boards which have already and are still absorbing more and more money of the Bengal Exchequer, I may say it is doubtful, and on the floor of this House many honourable members, who have personal knowledge of their workings raised various notes of protest. I would request the Ministry to go into the matter more carefully and if there is the least element of suspicion, I would think that the amount under this head may be diverted towards the formation and stabilisation of land-mortgage banks. Some Act may be passed to wipe off the rural indebtedness, which have become for the peasants unbearable and chronic.

There is, however, one problem which is the problem of problems over-shadowing every other matter. That is self-protection. A human being must live first before he can do anything else. This important and all-engrossing problem has been beautifully solved by our British masters completely stripping us of all kinds of offensive weapons and making indiscriminate arrests of persons holding progressive views. We are taught to look to them for our protection. What does the Leader of our British masters say? Mr. Churchill says that we shall continue to receive ill-usage at the hands of the Japanese during the year 1942 and he hopes to retaliate in 1943 and also admits that they are unable to carry on any effecive offensive on all fronts, thus virtually leaving India to its fate. In the circumstances, we must ask the Government of Bengal and through it the Government of India so long as they carry that name, to give us protection—protection of our lives and property. I demand as a representative of the millions of

our countrymen that you are morally and legally bound to do so. I do not pretend to have any expert knowledge of modern war and armaments and their power of causing death and destruction. Our British masters appear to be equally deficient in this respect. Otherwise, why their much-vaunted fortifications of Singapore built at an expense of 9 million pounds sterling melted like snow before the Rising Sun? In Bengal which is admittedly in the danger-zone, how many anti-aircraft guns and fighters are there to protect us?

What measures for our protection have been devised compared to what has been done in the British Isles? Have we not seen day after day in the editorials of the "Statesman" that Lord Beaverbrook has been castigated for his over-anxiety to save England at the cost of losing war elsewhere, neglecting the defence of other parts of their Empire? I hereby suggest to the Government of Bengal that if you find that you cannot adequately safeguard the lives and properties of the citizens, you must declare Calcutta as an open city; that all war industries should be removed to a safer place far from Calcutta and you must evacuate as many persons as possible. The normal activities of the town should be reduced to a minimum and it may also be considered whether the courts should not be closed. Evacuation should be organised in close co-operation with non-officials of a representative character. Special provision for housing and feeding of the poor and lower middle-classes should be arranged. In any evacuation scheme precaution should be taken to see that no distinction of caste, colour or creed is made, as has been suspected in different places where such evacuation has already been done. Special arrangements for safety, housing and feeding should be made for the labour population if we really desire that there shall not be any dislocation, especially of scavenging work which is essentially necessary for the health of the civil population of the towns. Lastly, I congratulate the Finance Minister, although the character of his budget has not undergone any remarkable transformation from what obtained before probably due to shortness of time, for facing the facts boldly and not adding to the burden of taxation to break the proverbial camel's back.

**Mr. LALIT CHANDRA DAS:** Mr. President, Sir, to speak on the fourth day of the budget discussion is a difficult task. Observations become stale. But we live in stirring times and so observations bear emphasis and even repetition. Allow me, therefore, Sir, to make some observations on the budget. At the very outset, I desire to congratulate the Hon'ble the Finance Minister for the very lucid way in which he explained the intricate and salient features of the budget and also for the budget itself, as it would have shown surplus of 20 lakhs of rupees had it not been for the fact that a provision of one crore 25 lakhs had to be made for Civil Defence, a very essential provision. No wonder, therefore, Sir, that there should be a deficit of

one crore 5 lakhs. But, Sir, my friend on the other side Khan Bahadur Muazzamuddin Hosain was saying the day before, that this budget does not bear the impress of the genius of Dr. Syamaprasad Mookerjee. Sir, allow me to remind him that after the fall of Singapore, the enemy is only a few miles off from Rangoon which, when reached, may very well be a jumping-off ground for an aerial attack on Chittagong and Calcutta. Further, Sir, we have it on the authority of Major-General Molesworth, Deputy Chief of the Staff, that Japanese warships are operating in the Bay of Bengal and the Indian Ocean. Not only that, Sir. We have it from the "Statesman" also that "in Eastern Bengal and Assam the red light of danger glows. We have to face facts and realize that a situation might arise in which the Japanese would penetrate into both the provinces and threaten Noakhali, Faridpur, Serajganj and the line of the Brahmaputra to the Garo Hills." This then is the situation. Can it, therefore, be a matter for surprise that stress should be laid on the fact that this is hardly the occasion for normal standards of peace-time budgeting or for planning and constructive thinking for large-scale nation-building efforts?

Frankly, Sir, this is a Civil Defence budget. But, Sir, I find it very difficult to draw a line of demarcation between civil defence and military defence; because Bengal, particularly my constituency Chittagong, is practically within the war zone. Sir, defence being a Central subject, the cost of defence should be borne entirely by the Government of India, although I do not contend that the Provincial Government cannot contribute to it. Provincial Government may certainly contribute. But, Sir, a Government which spends millions of money every day for the conduct of war need hardly throw the burden of civil defence expenditure on a Government which is scarcely solvent. Sir, recently there was an agreement arrived at in Simla and New Delhi by the representatives of this Government with the Central Government. May I enquire whether the representatives of the Government went there with the approval of the Legislature? If not, I trust in future, whenever any binding agreement is arrived at with the Centre charging the revenue, that will be done with the approval of the Legislature. I say this because the slab expenditure arrangements have not been in favour of Bengal. Sir, the Government of India's contribution of 87½ per cent. of the expenditure of civil defence should have been made from the very start. Provincial Government should not have been asked to bear the entire first slab expenditure. There is another condition. For the civil defence scheme Government will take in the coming year a loan of 1 crore 25 lakhs, payable in 5 equal annual instalments. I am afraid, Sir, this condition will work very harshly on the revenues of Bengal particularly, when it is apprehended that we shall have a series of deficit budgets for some years to come. Therefore, I think, the Bengal Government ought to move for suspension of the clause for repayment of the loan advanced as long as deficit

budgets last. We hope that the ultimate victory will be ours. Then it may very well be that the Centre will remit the debt, as it did remit the 8 crores debt when the Provincial Autonomy was inaugurated in 1937, for which we are all so grateful.

Now, Sir, about the civil defence. Here in this connection, my friend Mr. Birendra Kishore Roy Chowdhury of our party elaborately dealt with this question and pointed out the difficulties and defects and also said what should be done. I desire to draw the attention of the Government to his speech. Sir, happily the Hon'ble Mr. Santosh Kumar Basu has been placed in charge of civil defence and I hope everything will be done efficiently and expeditiously. Complaints have been made by some honourable members that whole attention has been devoted to the defence of Calcutta and its neighbourhood only. Sir, places from Calcutta to Serampore and from Calcutta to Budge-Budge which are all industrial areas should be properly protected both militarily and civilly. I would draw the attention of the Minister for Civil Defence to the cases of Chittagong and Noakhali and other areas by the side of the Brahmaputra leading to the Garo hills. I submit, Sir, all that was necessary to be done in Chittagong and Noakhali has not been done yet. I hope the Hon'ble Minister will see to these allegations. The danger is looming so large that every effort should be made by the Government of Bengal to induce the Government of India to undertake from now on the military defence not only of Calcutta and Chittagong but also of other maritime places. The danger of invasion of this province is increasing every day.

Sir, I regret to say that not sufficient money is being diverted for organising civil defence in the interior; the interior in my opinion has been very much neglected so far. In my view, in order to supplement the efforts of the military, there should be a second line of defence and that line of defence should consist in the formation of an auxiliary force, the inauguration of a national militia. Government should start voluntary organizations for the purpose of the training of volunteers in the use of arms, giving them tommy guns and also removing all restrictions on the use of fire-arms. The whole country-side should be organised. What is most important is the need of stopping the tide of alarming rumours which lead to disorder and panic and which disturb the stability of the social life. For this it is very necessary that a sense of confidence and security must be aroused in the minds of the people so that they may keep up their morale. Such organizations will be very helpful. Government should also state their own position with regard to the private voluntary organisations which have been set up for the purpose of resisting the menace of air-raids and adopting other safety measures. Government should state their position particularly in relation to the Congress organisations, the Provincial Moslem League of which the Hon'ble Mr. A. K. Fazlul Huq

is the President and the Hindu Mahasabha of which Sir Manmatha Nath Mukherjee is the President. Government should say whether these private organisations should be permitted to adopt air-raid precautions and other safety measures. It will not be enough to tell us that private persons would be invited to sit on the Committee of Government and be allowed to do everything in co-operation with the Government. What I am urging on the Government is that so far as these private organizations are concerned, all possible facilities should be given to them for adopting measures against air-raids and for adopting other safety measures. Along with this, Sir, permit me to say that the most important thing to do is to rouse among the people a spirit of resistance. This will to resist can be generated in one way only and that is by the British Government declaring India free. For, it is only a free country that can fight for its freedom with zeal and enthusiasm. A national Government should be immediately established in the Centre. Make the people feel that they are fighting for their own country's freedom as much as for the liberty of other oppressed and suppressed nations on earth. Sir, this point leads me to a consideration of the next question and that is the question of the release of political prisoners and all persons interned, detained, banned and restrained under the Defence of India Act. I put a question on this subject the other day and the answer of the Hon'ble the Home Minister was that there were still 3,500 persons in Bengal in *durance vile*. Sir, is it at all conceivable that people who are asking for the freedom of their country will be the very people who will allow any aggressor to come in? Sir, I at least cannot conceive it. May I be allowed to quote what the Generalissimo Chiang Kai-Shek said? Addressing the people of India in his message he observed: "Since my arrival in this country, I saw with great satisfaction that there existed among the people of India a united determination to oppose aggression". Sir, this is a fact and a fact well-known to the people as well as the Government. The General urged that Government must take the people of India into its confidence. If this is the position, then I hope and trust the Government will release all the prisoners without delay. Sir, even Mr. Sarat Chandra Bose who brought about union between the Hindus and the Muhammadans was not immune from the clutches of the Defence of India Act and the rules made thereunder. He was taken away on an allegation—an allegation which I dare say on scrutiny will be found to be absolutely baseless—that he had established contact with the enemy. Sir, if under such unproved allegations Mr. Bose could be arrested and taken away from Bengal and made to suffer great inconveniences in the Trichy Jail, then I shudder to think what must be the lot of the smaller fries whose number is legion. These people all love their country, and those are the people who are competent to organise the countryside to resist the aggression of the enemy. So far as this question is concerned, I should repeat that these

people should be let out immediately. It is not enough, Sir, that arrangement should be made for the grant of allowance to them and to their families. It is not enough that the rules should be changed. The grant of these small mercies will not compensate for the loss of their freedom or allay the anxieties of the people of Bengal on their account. If they are brought out of the prison, I have no doubt, this one fact will be helpful for the country to put forth its maximum war effort.

Sir, my time is short, but before I sit down, I must refer to one other item, namely, the provision of one lakh of rupees for promoting communal harmony in this province. So far as this is concerned, it is all to the good. We know, Sir, what was the position of the country a year ago. Owing to the communal outlook of the former Government of which the Hon'ble Sir Nazimuddin and the Hon'ble Mr. Suhrawardy were so prominent members, the country was surcharged with communal clouds. The storm burst and first swept over Serajganj and Khulna and then over Dacca and next over the villages in the Narayanganj subdivision. There were other incidents also in different parts of Bengal. The Hon'ble Mr. Fazlul Huq, a man of sentiment, of generous feelings, whose love for Bengal is real and deep, saw all these, repented and was determined to set matters right. Dr. Syamaprasad Mookerjee and Mr. Sarat Chandra Bose seconded his efforts.

(Here the member reached his time-limit.)

**Maulvi ABUL QUASEM:** Sir, the Hon'ble the Finance Minister made a differentiation between nation-saving and nation-building activities. I would suggest to him most respectfully that the expenditure under the heads "Medical" and "Public Health" is necessary for "nation-saving" purposes. Expenditure on these two heads is vitally necessary for saving the masses of our people. In this budget it is noticeable that there is a decreased expenditure provided for these departments. The greatest scourge of Bengal is the disease known as malaria. I have the misfortune to belong to a subdivision which is notorious for malaria, I mean the Satkhira subdivision of the Khulna district. My own village even in this season of the year is the hot-bed of malaria. I happened to be there with my family for a short time but in this short time almost every one of my family was attacked with malaria. There is a dispensary in the village run by the District Board and the average daily attendance there is of about 200 malaria cases. The District Board cannot find money enough to bear the cost of the ordinary equipments for this dispensary and the decreased expenditure in the present budget would mean further decrease of Government contribution to the District Boards. I suggest to the Hon'ble Finance Minister that this decrease he should try his level best to make up. I speak from personal knowledge of the District Board of Jessore.

Our District Board is handicapped by reason of insufficient cess collection. The cess collection is not up to the standard and because of the decreased provision made, the augmentation grant is bound to be low this year and this means augmented distress in the districts. So, I desire to make this appeal to the Hon'ble Finance Minister that he will see if the usual contributions can be made to the District Boards.

The next question which I should like to raise is the Revenue (Floud) Commission report. Sir, I was a member of that Commission: the previous Government consulted the opinions of both Houses of the Legislature on the recommendations of this Commission. But the Government did not formulate any opinion of their own. I do not know how long they will take to come to a decision on the report. At any rate, Government ought to make up their mind one way or the other without further delay. The Floud Commission recommended that the Permanent Settlement should be scrapped. One reason for that recommendation was that under the present arrangements of the Permanent Settlement no one is responsible for land improvement. I give one concrete example.

In my own subdivision there is a *bil* known as Bakchara *bil* which is subject to the influx of salt water. As a result, there has been failure of crops for a long time past and the distress among the large number of people affected has been acute. I have been trying hard for the last few years to get these zemindars interested in putting up an effective embankment but I have failed. Everybody's business is nobody's business. The zemindars get enough from the other tenants in other areas to be able to overlook the loss that would arise from the non-payment of rent by the people who have got lands in this particular area. But the sufferings of the people who are dependent upon this *bil* are immense. They are beyond description. Thousands of people are starving and every year I have to move the local authorities to give adequate relief to the people there. But then gratuitous relief is not always obtainable adequately and agricultural loans do not afford appreciable help. I mention this as a specific instance of the evil effects of the Permanent Settlement in the hope of putting an end to the influx of salt water by raising an embankment. I do not know what particular Hon'ble Minister is responsible for looking into the question of embankments but I would most respectfully request the Minister in charge to make a survey and prepare an estimate of expenditure in connection with the construction of a suitable embankment there. If the Government is prepared to advance the necessary money to construct an adequate embankment there, that money can well be realized from the actual tillers as well as from the zemindars and the tenure-holders. If that is done and if Government kindly intervene in this matter, much-needed relief will be given to the poor people who are mutely suffering.

Now, Sir, I would like to touch on another matter in which I am interested and that is the Nabharan-Satkhira Road, which runs from Nabharan Station on the Khulna section of the Bengal and Assam Railway to Satkhira. The construction of this road was taken up by the Provincial Road Board when I was a member of the last Legislative Council. Several years have passed since this road was taken up. It is 28 miles in length, 10 miles of which lie in the district of Jessore and the remaining 18 miles in the Khulna district. My own subdivision is cut off from the district headquarters and if this road is completed our subdivision will have a direct through communication with the district headquarters. It now takes about 14 to 16 hours to reach the district headquarters by steamer but if this road is opened up it will take not more than 4 hours to reach the district headquarters. Only 10 miles have been finished during such a long time. The Communications and Works Department is a slow-moving department. I was told at one time that it does not even know how to spend the money which is granted from the Central Road Fund and it is impossibly slow and dilatory in its methods, as will be illustrated by the non-completion of the road in question within the course of six years that it has already taken up. I would make a respectful suggestion to the Hon'ble Minister concerned to look into the condition of this road and to see that the remaining portion of the road is completed without further delay.

Now, Sir, a serious question was raised the other day on the floor of this House regarding the suspension of the work of the High Court on Fridays for *Jumma* prayer. I would request through you, Sir, the Hon'ble Chief Minister to stay for a few minutes (at this stage the Hon'ble Chief Minister was leaving the Chamber).

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I am here, Sir.

**Maulvi ABUL QUASEM:** All right, Sir. The matter was raised by the Leader of the Opposition, Khan Bahadur Saiyed Muazzamuddin Hosain, through a question to which my honourable friend the Hon'ble Minister in charge of the Judicial Department gave a reply which we considered unsatisfactory and evasive and I also used the word "flippant" at that time to which you, Sir, took objection. The question, Sir, is indeed a very serious one. And I would like to make a few observations in this connection. The Hon'ble the Chief Minister, Sir, the other day made a statement in this respect and said that the High Court Judges were always willing to accommodate the practising lawyers who were anxious to say their *Jumma* prayers. There is still some difficulty, Sir. The lawyers' clerks have to be present to watch the cases when the lawyers go to say their *Jumma* prayers and they cannot go to perform their *Jumma* prayers. The difficulty is not about the daily *Zohur* or the mid-day prayer which may be performed during the

mid-day recess; but it is in respect of the *Jumma* prayer which is performed only once a week a little in advance of the time of *Zohur* prayer. The High Court rises for lunch at 2 o'clock and it re-assembles at 2-30. My humble suggestion is that if on *Jumma* prayer days the court rises an hour early for the mid-day recess, that would solve the difficulty. The Hon'ble the Chief Minister the other day said that the litigants do not frequent the courts. I wish the Chief Minister were present now for I would like to contradict him on this point.

I have personal experience in the High Court as regards *Jumma* prayer. The Hon'ble the Chief Minister has said that two rooms have been set apart for this purpose. But that is not so. Only one room has been set apart and that is so small that the people have literally to squeeze themselves in in order to say their prayers. The new room that is under construction on the roof of the High Court is far too small for the purpose. It has been said that very small number of litigants come to the High Court in connection with hearings of cases on the Appellate Side. But that is not the case. Quite a large congregation is formed. We want a sufficiently large room. And we want also at least half an hour's interval to say our *Jumma* prayers. There is nothing to say regarding the *Zohur* prayers, because they do not encroach on court time. Sir, the Muslim public feeling in Bengal has been much exercised for a very long time over this question. The High Court has issued orders regarding the suspension of business in the mofussil courts during the *Jumma* prayer. We beg the Hon'ble High Court to suspend their own business only on Fridays for half an hour. So, my respectful suggestion to the Hon'ble Minister concerned is that he should move the High Court for suspending the work for only half an hour. The Muslim public will be grateful for this generous gesture on the part of the High Court if they suspend their business for half an hour to enable the Muslims to say their *Jumma* prayer, which is enjoined on every Muslim by the Holy Quoran.

Next, I would say something about the nation-saving schemes on which the Hon'ble the Finance Minister is going to spend a lot of money. So far as Calcutta is concerned, those who have their occupation in Calcutta will have to carry on, air-raid or no air-raid. Pamphlets have been published instructing people as to what they should do, how they should protect themselves against a possible air-raid. But nothing has been done to compel the landlords or house-owners to take necessary precautions in respect of houses occupied by their tenants. Some steps should be taken so that these house-owners actually take the necessary steps to protect the lives of their tenants. Simply issuing of pamphlets and press communiqués are not going to help the tenants. As regards the appointment of officers in the air-raid precaution services, the complaint is made that Muslim officers' percentage is very low among the numerous appointments made. There is a grievance in this respect and I give expression to it.

Sir, the time at my disposal is very short. There is another point I should touch and that is about communal unity. For this, the present Government has allocated a sum of Rs. 1 lakh to be spent on a programme the details of which are yet to be prepared. Recently a speech was delivered by the Hon'ble the Chief Minister at Khulna. He said, of course I am speaking subject to correction, that he and Dr. Syamaprasad Mookerjee were the persons responsible for spreading communal poison in Bengal. And now these are the two gentlemen who have put their shoulders to the wheel to neutralise the effect of this poison. Well, if that is the case, then I have an humble suggestion to make. I would suggest that this sum of money be met from their own pockets, because it is they who have done the mischief and it is but fair and just that the poor tax-payers of this province should not be saddled with an additional burden on account of their wrong-doing. The mischief has been done when they were against each other and now when they are united and are seeking to undo the effect of their actions, they should in all fairness to the tax-payers of Bengal be paying this sum from their own pockets. (The Hon'ble Mr. M. SHAMSUDDIN AHMED: Sir Nazimuddin was also a mischief-maker.) It is very unfair to say that Sir Nazimuddin was a mischief-maker. If that were so, why did you, including the Chief Minister, remain silent for 4½ years when Sir Nazimuddin and Mr. Suhrawardy were carrying on the administration? None ever raised a protest that these two gentlemen were the arch mischief-makers. I have been in the Coalition Party for the last two years and never did I hear such a thing. This accusation against Sir Nazimuddin and Mr. Suhrawardy is most unjust and reprehensible. I protest against this with all the emphasis at my command. I should say, Sir, that it is mean to fasten the blame on Mr. Suhrawardy. (The Hon'ble Mr. M. SHAMSUDDIN AHMED: Learn manners.) Well, Sir, my manners are all right.

Now to resume, Sir. The Hon'ble Finance Minister in his printed speech on the Budget statement at page 23 has made certain observations which I wish to read out: they are as follows:—"Communal discord has in recent years marred the good name of the province. The Ministry is pledged to carry on its administration in a manner which will be just and fair to all communities and interests; for so alone can confidence in the *bona fides* of Government be restored". I would like to draw the attention of the House to the last sentence of this extract. What is the meaning of the words "*bona fides* can be restored"? I have tried to understand the meaning in my humble way but without success. Confidence in the *bona fides* of the Government has got to be restored! That is, the implication is that the Government which the present Ministry has succeeded had lost the confidence of the people. (Mr. SHRISH CHANDRA CHAKRAVERTI: It is quite apparent.) It may be apparent to my friend Mr. Chakraverti but not

to me. Did the Muslim community of Bengal ever complain that the previous Ministry had lost their confidence? They never said so! Did the Scheduled Castes ever complain that the previous Ministry had lost their confidence? I never heard that they did so! So, if any community may be said to have lost its confidence in the previous Ministry, it may be the Caste Hindus and nobody else. Sir, not long ago, if I may say so, the Hon'ble Mr. Fazlul Huq used to say that by "public opinion" what was meant was merely Caste Hindu opinion; and by the words "public press" what was meant was nothing else than opinion expressed in the Caste Hindu press. I do not know if this statement of the Chief Minister is subscribed to by the Cabinet collectively. It may be that my Caste Hindu brethren had lost their confidence in the previous Ministry but not certainly the people at large.

Sir, the taste of the pudding lies in the eating. How has the present Government set about the task of restoring confidence, to use the language of the Finance Minister? May I give an illustration, Sir, of the manner in which they are doing so? There is the case of the Jummah mosque in Mymensingh. The Hindus were allowed to lead a procession with music in front of this mosque; the Muslims objected but the present Ministry allowed the procession to proceed. Let me say that never within living memory had any procession ever passed by that mosque before. If it was done by the Hindus to vindicate an abstract right, then that is a different matter but it was unnecessary and they need not have insisted on taking out a procession before the mosque which had not been seen within living memory. Sir, the sentiments of the Muslims have been deeply hurt by this action of the Ministry. Is this the way in which the present Ministry is going to set about restoring communal harmony? Then, Sir, it is well-known that Muslim League workers and students are being prosecuted, because wherever the Ministers go, *Hallelujahs* and *Hossanahs* are not sung in their welcome! Muslim League workers are being punished and harassed for exercising the elementary rights of a citizen. Sir, if that is, the way they are going to restore communal harmony, then I can tell them that they are foredoomed to failure. Able Muslim officers who have got constructive ability in them are being shifted unnecessarily from stations where they were doing good work. There is a case in Jessore which I have in mind. (Mr. AMULYADONE ROY: Your information is wrong.) But I have got evidence in support of my statement. I have got reliable information in my possession. It was a purely private matter of which notice was taken and the officer was transferred to another district quite unceremoniously. My friend Mr. Nur Ahmed tells me of the case of the Subdivisional Officer of Chittagong, who also was transferred from Chittagong on a flimsy pretext. Having regard to these instances of the present Ministry's activities, Sir, talk of restoration of communal harmony comes with ill-grace from the Hon'ble Finance Minister.

**Dr. KUMUD SANKAR RAY:** Sir, I do not want to take much time of the House, particularly in view of the statement by the Hon'ble Finance Minister that he had very little time to prepare the budget and that he had to devote his time only to that part of the budget which is known as the nation-saving department and the A. R. P. I shall, therefore, confine my observations to a few points concerning the A. R. P. organisations which are being set up and which are proposed to be set up. We all agree that there should be no stint in the matter of allotments for air-raid precaution. But I must say that the schemes that have been prepared so far should be properly executed. He has rightly said that there is red-tapism; and unless the red-tapism is removed, I am afraid the money provided for them cannot properly be spent. What is needed is: much more expedition in the execution of schemes which have been prepared. I have only one or two suggestions to make with regard to the shelters which have been dug in the *maidan* and other places. Now, Sir, what has been our experience in Rangoon? The margin of time between the sounding of the siren and the actual bombing was only two or three minutes in many cases. Just imagine: you are travelling from College Street to Shambazar or from Lansdowne Road to the Lake side. In such a contingency you will probably not be able to reach a shelter or your destination in less than 10 minutes' time. It may be said that you can enter a private house as soon as the siren goes. But it is very difficult to do so, especially at night time when it would not be possible to get entrance into a private house even if the owner of the house is there—it will at least take 10 minutes before you can effect entrance. Therefore, I suggest for the earnest consideration of the authorities that pucca houses within a distance of hundred yards each may be set apart for being utilised as air-raid shelters, so that you may be able to run and take shelter in these shelters within two or three minutes from any point. Such shelters should be kept open day and night so that there may not be any difficulty in getting access. It is no good saying that so and so will give shelter; for, when actually the shelter is needed it will be found that the door is either locked or bolted. Then, Sir, such shelters should be provided with first-aid things, drinking water and other necessary articles. That is my first suggestion with regard to the A. R. P.

There is another thing which I want to mention with regard to the arrangements about the evacuees from Burma. These evacuees are staying in *dharamsalas* and *musafirkhanas*. They are given permits practically after they stay in these *dharamsalas* for some time and after it is ascertained whether a particular person is really an evacuee or not. So he must go to a particular *dharamsala* near the Outram Ghat or the Babughat before he applies for a permit. Then, Sir, the sanitary condition of these *dharamsalas* is very bad and requires a lot of improvement. I would enquire, therefore, whether it is possible or not to issue these permits on the steamer before disembarkation, so that by the time

the evacuees get down from the steamer they will be ready with permits to go either to the volunteers or to their friends and relatives and they will be able to go to their proper places.

Sir, I do not want to take up much time of the House with regard to A. R. P. One other point to which I should like to refer is about the casualties as a result of air-raids. After all, the number of casualties may be 50,000. But what about the number that may be killed by famine and pestilence that will break out in the mofussil? I am not sure whether there is any scheme prepared by the Government for the prevention of epidemics in the mofussil areas. Already, even before the actual raid has taken place, about 60 per cent. of the population of Calcutta have evacuated and gone over to the mofussil areas. I do not know whether it is the desire of the authorities to remove pregnant women from the city before the evacuation order is issued. If that be the policy, if those people who are in delicate condition—who are old and infirm are to be removed to prevent embarrassment to the authorities, they should be removed at once to some places where danger is least expected, and suitable provisions should be made to extend maternity and other help in those mofussil areas. I am not aware of the existence of any Isolation hospital in the moffusil centres. There are many people here who are connected with municipalities. Some of them probably are chairmen of the different municipalities and they might be in a better position to explain the position and to inform whether I am correct in stating that hardly any moffusil station has got an Isolation hospital worth the name which can accommodate infectious cases in case an epidemic occurs. I have seen a few isolation wards attached to hospitals in the moffusil towns in connexion with my inspection of the medical schools in those places and I may say, without fear of contradiction, that those arrangements are not even adequate for the normal needs of those very towns not to talk of a large number of infectious diseases breaking out on account of the huge exodus from Calcutta. Have suitable measures of a preventive nature in anticipation of epidemics arising in those places been taken?

Sir, I really do not want to criticise any of the other items which are more or less of a standing nature, for instance, the training of medical students. If it is thought that the war is going to be over in three or four months, I have nothing to say. But, if this war is to be a prolonged one, then we might well imagine what the medical requirements would be and what arrangements we should make from now on. It may be 5 or 6 years or even ten years, because the enemy has not been successfully checked or overcome so far. If the war is going to be a protracted one, India will require probably hundred times the military strength which is now available, and you will have to supply the Army with a host of doctors. And, unless you make necessary arrangements for ensuring continuity of the supply of doctors by ensuring a continuity of medical education, you will fail to supply the need in proper

time. I would, therefore, earnestly suggest for the consideration of the Government whether it is not desirable to prepare a scheme, as had been done in London. As soon as the war broke out, all the London medical institutions were shifted to Cambridge with bag and baggage including the hospitals, students and staff. They thought that especially during war time they would require a very large number of doctors and so they wanted to see medical education go unhampered. I would earnestly draw the attention of the Hon'ble Minister to this aspect of the question.

There is another aspect to be taken note of. Once a raid takes place, Sir, say on the Medical College, all valuable collections in the museum and the valuable apparatus may be damaged and you will not be able to replace them in less than 5 or 6 years after the end of the war. Now, that leads to the question of the training of nurses. The training of nurses in Calcutta hospitals, I think, is unsatisfactory. Recently arrangements were made in the Campbell Medical Hospital for the training of nurses. I had suggested during the last budget discussion the necessity of utilising the mofussil hospitals for the training of nurses and I was given an assurance that this matter will be seriously considered by the Government. But nothing apparently has been done so far. Since then the situation has changed and increasing arrangements will have to be made in our hospitals on account of the war casualties and yet no active steps have been taken to train a large number of nurses which we want so badly.

Even now there is plenty of time to shift these nurse-training centres to some places in the mofussil where there are medical schools or hospitals. The time at my disposal is short and it is not possible for me to compress my other suggestions. I only want to make one suggestion before I conclude. There is a budget provision for a climatic sanatorium. Now, Sir, the climatic sanatorium for Bengal is an old story. About 5 or 6 years ago a Marawari gentleman gave a donation of Rs. 3 lakhs for starting it. I do not know what happened to that amount. Much time was spent over selecting a suitable place, such as, Kalimpong, Darjeeling, etc. In the meantime, a private institution which fulfils the requirements of a climatic sanatorium has been in existence in Kurseong and it has been admitting patients and treating them successfully for the last 3 years. Instead of increasing or enlarging that institution I find that a provision has been made in the budget of Rs. 1 lakh for a climatic sanatorium. Now, Sir, you cannot develop an institution—a tubercular institution—under these war conditions. You cannot find equipment or other necessaries. Moreover, you will require a large amount of money for the maintenance of such an institution. So, I would seriously ask the Government to divert this amount towards the development of the existing institution at Kurseong.

**Khan Sahib ABDUL AZIZ:** Mr. President, Sir, without going into ceremonial formality, I shall at once take up the item of Rs. 5,69,000 assigned for publicity purpose and on this head the last year's allotment was Rs. 3,65,000, *i.e.*, the present allotment is nearly 90 per cent. more than the last year. It is very curious that those members who used to oppose any expenditure on this head are supporting it, although it has nearly been doubled. I seriously take exception to this heavy enhancement at the cost of the other important heads where money is vitally necessary. I submit that the figures be reduced at least to the last year's figures.

Sir, it is needless for me to impress upon you or upon my colleagues that if we want to do any good to our country, it is upliftment of the economic condition of the poor *raiyats* and to spread education amongst them.

I now come to the item of Rs. 1 lakh for communal harmony. It is a moral idea surely. I doubt what practical gain will be derived from this scheme. So far we have had no hint or intimation about the *modus operandi* of spending the money. Unless and until the practical, social and religious leaders can forget jealousies and hatred and learn to treat one another with sympathy, toleration in every aspect of life particularly in religion, culture and in the economic field, where the bread problem is the loudest and most crying, mere Government propaganda will be of no avail. I suspect some posts will be created and some kith and kin of the Ministers will be nourished. Moreover, I suspect that this scheme will go a long way in breaking the solidarity of our Muslim League and in breaking about its disruption.

Lastly, I take up the income from the Sale Tax and Jute Tax. At the time of the passing of the above Acts, the ex-Finance Minister gave us the assurance that the major portion of the money from these sources will be utilized on nation-building departments, but it is a great disappointment to notice no mention in the budget of these moneys. In fine, I would like to urge upon the Hon'ble Finance Minister that he will do a great credit to himself and earn the gratitude of the poor people of the province if he extended a liberal and generous hand to the most essential, most vital, most constructive and most harmony-producing business, namely, Education. If we take the province as an organic body and the two communities as its chief working organs then we cannot expect it to be healthy unless we can make the weaker organ, namely, the Muhammadan community, equally strong with the other.

The Hon'ble Chief Minister held out a hope to the province that he would safeguard the interest of the Hindu community and the Hon'ble Finance Minister Dr. Syamaprasad Mookerjee will do the same in the case of my poor Muhammadan community. This on the fact of it sounds rather queer. The treatment which the Muhammadan community in Bengal has hitherto received, is most discouraging. The

record is very dark and we are most diffident about the future prospect. As a specimen I can cite the example of oppression of Muslim League members and Muslim students in different districts such as Noakhali, etc.

With these words, I beg to conclude my remarks.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Mr. President, Sir, the duty of replying to the debate on matters relating to civil defence devolves upon me, because the portfolio of civil defence co-ordination has been entrusted to my charge. I may be permitted to begin with some of the very valuable suggestions which have been made by my esteemed friend Dr. Kumud Sankar Ray from whom I have derived great help in some of the problems which have confronted me in my new sphere of activity. I shall try to meet the points he has raised on the question of shelters.

My friend seems to think that beyond providing for a few slit trenches in the *maidan* nothing substantial has been done in the matter of providing shelters for the population of Calcutta. I may invite his attention to the fact that provision on a very large scale has been made for slit trenches not only in the *maidan* but also in the different parts of the city wherever available space has been secured. The Calcutta Improvement Trust in collaboration with the Communication and Works Department of the Government of Bengal has been entrusted with this work. Besides the provision for slit trenches, as many as 500 pucca buildings in the city of Calcutta are being strengthened and protective measures are being provided in those buildings, so that they may be available at the time of air-raids as shelters to the public. That is a circumstance which I hope will carry reassurance to the minds of the citizens of Calcutta. These buildings will be available to the public without any question being raised by the owners or occupiers of those buildings. They will be declared as shelters available to the public. Government are also considering the necessity of providing for certain shelters in Government buildings so as to offer an incentive to private parties to come forward for the satisfactory solution of this problem on similar lines. (Mr. SHRISH CHANDRA CHAKRAVERTI: When will they be ready?) Well, Sir, these houses will be ready for occupation as shelters if any emergency arises. But the question of providing protective measures is intimately connected with the supply of building materials which I think are now available to a much larger extent than before. And I think I can assure the House that the work of providing these shelters and carrying out protective measures in those buildings is proceeding apace and we can expect to complete the work at the earliest possible date. We cannot invite the public to come and take shelter in buildings which are not protected, after declaring them as proper shelters for the housing of people at the time of an air-raid. If we are to invite people to such buildings, we have got to protect them

properly and before we can discharge that responsibility we cannot declare those buildings as shelters. That is what is holding us back for the time being.

The other question that has been raised by Dr. Ray is the question of evacuees. That is a very important point and elsewhere I have declared the intention of Government and the steps that Government are taking in this matter. Already a Committee has been set up in Calcutta under the chairmanship of the Sheriff of Calcutta and non-official support is forthcoming in abundance to implement the schemes which Government have prepared in this respect. I understand, Sir, that voluntary efforts are not lacking in the matter.

Then, Sir, with regard to the question of the issue of permits raised by Dr. Ray, I may say that it is also engaging the attention of the Government. Permits are now issued from the steamer *ghats* before the evacuees start for *dharamsalas* or *musafirkhanas*. Dr. Ray suggests the granting of permits on the steamer before the evacuees get down. But I do not know whether it is possible for Government officials to go out of Calcutta and arrange for the issue of permits on the steamer. But I can say this that the earliest possible opportunity is now taken to grant permits and as soon as the evacuees land, permits are issued to them. Contrary to Dr. Ray's suggestion, others have suggested that permits should be given in these *dharamsalas* far away from the steamer *ghats*. I suppose the system now prevailing is perhaps the best. However, I shall remember the suggestions made by Dr. Ray and see if they can be given effect to.

Then, Sir, Dr. Ray enquired what arrangements have been made to deal with famine and epidemics which may break out in the mofussil in consequence of the large exodus which has been taking place from the city of Calcutta for some time past. I may inform the House that we are not unmindful of the seriousness of the situation which may develop as a result of this exodus. A scheme for dealing with the situation has been prepared and arrangements have been made for the enforcement of the Epidemic Diseases Act in the threatened areas. Arrangements have also been made for the storage of vaccine lymph and cholera vaccine for several months' consumption at a safe place outside the vulnerable areas. With this end in view, branches of the Public Health Department are being scattered all over the province where there is a risk of the breaking out of epidemics. Indeed, this is a problem which is in the mind of the Government—provision is being made to deal with a development of that character.

Then, Sir, as regards the continuance of medical education and removal of the medical institutions from Calcutta to mofussil stations, that is a question which is very difficult to tackle. Facilities for medical education and hospitals on a scale similar to what we have in Calcutta cannot be expected in the mofussil stations. How is it possible to

remove an institution of the magnitude of the Calcutta Medical College and Hospitals in a mofussil area, without necessary buildings and hospital accommodation, without clinical apparatus etc.? It is for this reason that this problem cannot be solved as easily as it is suggested. But the utilisation of the resources of Calcutta with regard to this matter has not altogether been lost sight of. I understand that the Surgeon-General and other authorities have already taken up that question and it is under their consideration. I do not know whether the standard that Dr. Ray desires to be set up in the mofussil can be attained. But the distribution of students from the medical schools to other schools outside Calcutta has not been altogether lost sight of.

Now, some criticism has been made to the effect that the mofussil areas have probably been ignored in our air-raid precautions and civil defence arrangements. I do not think that that criticism is quite justified. Without going into details as to the arrangements which have been made for the mofussil areas, I think I can give a rough outline on the floor of this House as to the steps which have been taken in different parts of the province. The industrial area close to Calcutta, rather the following municipalities have been provided with all the necessary arrangements which have been introduced in Calcutta itself, namely, (1) Serampore, (2) Baidyabati, (3) Kharda, (4) Budge-Budge, (5) Barrackpore, (6) Rishra-Konnagar, (7) Hooghly-Chinsura, (8) Tittaghur, (9) Bhadreswar, (10) Tollygunge, (11) South Suburban, (12) Bally, (13) Champdani, (14) Uttarpara, (15) Garden Reach, (16) Kotrung, (17) Chittagong, (18) Bansbaria, (19) Howrah, (20) Asansol, (21) Kulti, (22) Burnpur and other similar places. Apart from these, other areas which are Classes II and III areas from the point of view of danger and emergency, have also been similarly treated, although on a smaller scale. The total non-recurring cost of these schemes for the mofussil areas comes up to one lakh 50 thousand approximately and the total recurring cost will come up to Rs. 10 thousand per month. Schemes for other areas are also under consideration. Now, Sir, that is the position with regard to the mofussil areas.

As regards civil defence arrangements which have been made in Calcutta, I may indicate them as broadly as possible. Some criticism has been levelled as regards the cost which is to be incurred and which has been incurred in respect of these schemes. But I may remind the House that a very large part of this burden will be borne not by the Provincial Exchequer but by the Central Exchequer. The Provincial Exchequer will not have to bear the whole of the expenditure, not even the major part of this expenditure. A very substantial portion will ultimately be recoverable from the Central Government under financial arrangements which had been agreed upon in Delhi in January last, to which a reference has already been made by the Hon'ble the Finance Minister in his Budget Speech. Schemes with which the Calcutta Corporation are now working involve a non-recurring expenditure of

Rs. 9 lakhs and a recurring expenditure of Rs. 12 thousand. Of this also a certain proportion will ultimately be recoverable from the Calcutta Corporation. Thus, the ultimate expenditure falling on provincial revenues will be much less than Rs. 4 crores.

Now, the question has been raised why the nation-building departments and the permanent needs of the province have been neglected in view of the expenditure on the head of civil defence. That is a point which the Hon'ble the Finance Minister will probably deal with in his reply. But so far as my department is concerned, I have taken scrupulous care to see that all essential expenditure which cannot be delayed may not be relegated to a position of inferiority even in these days of emergency. But we have got to make some sacrifice in these days so far as essential nation-building works are concerned, particularly in the mater of Public Health and Medical Departments. You know very well, Sir, that medical hospitals have to a certain extent to be kept clear of ordinary patients, mild cases particularly, in anticipation of casualties from air-raids. And under those circumstances the necessity of spending money on the medical budget has to a certain extent been diminished. Current expenditure has of necessity been curtailed because of the vacancies caused in some of the beds. Also we cannot take in hand any large-scale scheme for the present in the Public Health and Medical Departments. That is obviously due to the fact that these schemes for the time being must be relegated to a rear position in view of the overwhelming need to provide for civil defence. Civil defence is a matter which cannot to any extent be anticipated. You are well aware that these schemes have got to be varied from time to time as emergency arises. As the clouds thicken, we have got to change, vary and alter our schemes and money which was not necessary becomes suddenly necessary, immensely necessary, to be spent because of the changing situation. If we had not provided for all these possible developments, we would have certainly been blamed for not having sufficient foresight to provide for situations which might develop to the detriment of the province. It is for this reason that this sum of Rs. 4 crores finds a place in the budget although much of it will come from the Central Exchequer.

So far as Calcutta is concerned, probably the House is aware that the Warden service is not fully organised. At present, I am paying my attention to the question of strengthening the Warden service with a view to develop it to the fullest possible extent. What is needed in these circumstances is public sympathy and popular co-operation in an abundant measure. I am thankful for the offers which have been made from different sections of the House and from public organisations outside. I am not quite sure whether it will be possible to secure the co-operation of parallel organisations in A. R. P. measures, because after all when we have got to fight the enemy, whether in active defence

or in civil defence, unified command and pooling of resources is absolutely necessary. Under these circumstances, it requires very close scrutiny to find out whether help from parallel organisations in fighting the ravages of the bomb is possible if there is no unified control, no continuity and no single organisation bound by stringent discipline of something like a police force or military force trying to protect the people against the enemy. This is the difficulty in taking direct help from a parallel organisation where there is already an A. R. P. organisation functioning in the area. But the field is vast enough and non-official co-operation and assistance will be most welcome in other spheres of activity. There are many kinds of work and services open to non-official organisations; and I desire to take the earliest possible opportunity to formulate schemes in that direction. I hope non-official assistance will not be lacking. People of influence, those who can inspire confidence in others, can keep a close watch and supervision over the different areas of the city, can help the A. R. P. organisation in recruitment of personnel in the different services. The situation is such that we cannot afford to lag behind. We must wake up to the danger of the situation and should not raise questions about our ideologies, about our previous commitments, political or otherwise. We must pool all our resources for the purpose of building up an organisation which can be helpful for protecting the citizens of Calcutta and of the whole province.

Sir, I do not think it is necessary for me at this stage, having regard to the very limited time at my disposal, to attempt anything but a rough outline of the measures adopted in Calcutta for the purpose of ensuring civil defence. In the matter of fire-fighting we have raised the personnel of the Calcutta Fire Brigade from 200 to 900. Additional fire stations are now under construction. Reserve dépôts, barracks and a training school have been provided for. Additional equipment has been ordered. The additional costs of these schemes for Calcutta amount nearly to 40 lakhs of rupees and a recurring expenditure of Rs. 62,000. The mofussil areas have been inspected by the Chief Officer of the Calcutta Fire Brigade whose recommendations are being implemented under the supervision of the Fire Adviser to the Government who is himself a retired Chief Officer of the Calcutta Fire Brigade. Then, in order to provide water for fire-fighting purposes, certain tanks in Calcutta have been filled to the brim; approaches to tanks, *nullas* and canals are being broadened and improved and 130 underground reservoirs are being built in Calcutta. Mobile canvas containers have been purchased and have been fitted on to the lorries.

There are difficulties in the matter of obtaining equipment from the Government of India. We are trying our very best to secure those equipments, and as soon as those difficulties are got over, I think they will be forthcoming and we shall be able to be of greater service in this line.

Then, in Calcutta an alternative water-supply has been secured by providing for 2,500 tube-wells. It may be that some of them have gone out of commission even before they could be used; but certainly Government cannot be held responsible for them. Local people of influence ought to have come forward and protected those tube-wells in their respective localities from mischief. Sir, we have not so far been able to devise any sort of fool-proof or mischief-proof tube-wells. Some amount of criticism has been levelled against the Government on this head but certainly Government have done their best in the matter and if some tube-wells have been damaged by ingorant people, Government cannot be held responsible. The Calcutta Corporation should come forward and take steps to protect this alternative water-supply for Calcutta in as thorough a manner as possible. So far as the Government are concerned, they are not responsible for defective tube-wells.

As regards hospital beds, possibly the House is aware that as many as 10,000 emergency beds have been provided for Calcutta. Casualties will occur if air-raids take place over the city and in order to face that situation those beds have been reserved for Calcutta and the industrial areas. Two infectious diseases hospitals too are already on their way to completion in or about Calcutta for the purpose of meeting the emergency.

Improvement and addition to the nursing service has also been taken in hand and male nurses are being trained to take their places near those beds. First-aid parties are being organised. But I am sorry to say that the response in this line is rather poor and we have not been able to secure the personnel which is necessary for the purpose of manning this service. Here there is genuine room for non-official effort. I appeal to non-official gentlemen to come forward and by reason of their influence supply the necessary personnel for first-aid parties, for without them the whole casualty service is likely to break down. I do hope that every one of the members of this House who have got influence and the necessary drive will be good enough to come forward and help Government in the matter of securing these first-aid parties. I do not desire to take any further time of the House. We are trying to do our best. If there are lacunæ, if there are defects, if there are gaps, we shall be only too glad if they are pointed out to us. After all, Sir, this is a legacy of the last Ministry. They shaped its constitution, they devised its complexion and it was they too who furnished the necessary personnel and determined its communal proportion. So, the last Ministry is largely responsible and we who have inherited their credit or blame, are fully prepared to share it with them.

All that we are doing should be scrutinised against this inevitable back-ground. Of course, the previous Ministry left just before the

Japanese came into the war and we came into office. It has, therefore, been a very great burden upon us, the time being so very short. But we are trying our best to do what is possible and I hope that with your goodwill and the support of the people we shall succeed.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** Sir, as I rise to reply to the debate to which I have listened with attention during the last 4 days, I tender my thanks to those members of the House who, while realising the difficulties that confronted us, offered us constructive suggestions with a view to help us in discharging the onerous responsibility that has fallen on the present Ministry. Sir, in the course of the debate references were made to many detailed items of expenditure relating to various departments. I shall not make an attempt to give an answer to each of such questions; but I can give this assurance to the members of this House that the points which they have raised have been noted by the Ministers concerned and will receive their earnest consideration. I fully realise that this House, constitutionally situated as it is, is not competent to vote on the grants included in the budget and that it is only in the course of these 4 days' general discussion on the budget that the members have an opportunity of expressing their opinion on the provisions made therein.

Sir, I wish to refer first of all to those two or three points which have been raised concerning the dignity, the right and the status of the House. There is first the question of the Public Accounts Committee. It is a difficult matter—it is a matter which does not concern merely the relationship between this House and the Government, but the relationship between this House and the other House. As you know, Sir, since the new Ministry came into office we have expressed our anxiety to settle this question in a manner which will be consistent with the legitimate rights of both Houses of the Legislature. And it is my confidence that with your fullest co-operation, Sir, which has been assured, custodian as you are of the rights, dignity and privileges of this House, it will be possible for us to settle the matter amicably and satisfactorily.

With regard to the second question, namely, the joint control of the Library and the Legislative Building, I am really surprised to know that this Joint Committee is not functioning. If it is a matter on which Government can do anything, I undertake to bring this to the notice of the proper Minister or authority and see that this question also is properly disposed of. But if it is a matter which rests entirely on you two, Sir, I want you and the Speaker to settle the matter without any interference on the part of a Minister or the Government as a whole. I hope, Sir, you will give me an opportunity of discussing this matter with you personally to see whether we cannot arrive at some satisfactory solution.

With regard to the question of a separate Chamber for the Council, well, obviously that it is not within the bounds of possibility now; and, if I may give a piece of friendly advice, it is not safe also to have new big buildings put up in Calcutta when there is the impending possibility of air-raids. I understand that an estimate of 11 lakhs was taken but the scheme has not yet been sanctioned. Obviously, we must wait until the war is over, before the question of erecting a separate building at a cost of 11 lakhs of rupees can be seriously taken into consideration.

Sir, the other point which Mr. Kabir raised was about the control of the Legislature Departments. I have not studied this question very carefully yet; but I was going through the provisions of the Government of India Act and also the Rules which have been framed. It appears that, unlike what has been done in the Central Assembly, here the control still remains in the hands of one Minister and matters have to pass through the hands of some Secretary attached to the Home Department for the time being. I do not think, Sir, that there is any suggestion that this Legislature, either the Upper House or the Lower House, is in any way subordinate to that officer attached to the Home Department. But certain matters which under the Constitution have got to be decided by a Minister—in this case he happens to be the Home Minister—for the time being pass as a matter of ordinary routine through this particular officer who is authorised under rules of business to deal with this question.

I shall now pass on to some of the general remarks which were made on the budget. As I said, Sir, in my budget statement, we had to face a very difficult situation. It has been suggested that there are men included in the present Cabinet who, if they so wished, could have done anything with the budget for the purpose of making it more responsive to the real needs of the people. Luckily, that suggestion came from the Leader of the Opposition himself, admitting thereby unconsciously perhaps, that things were not very happily done during the last regime and they required to be drastically altered. I appreciate this open confession of failure. Sir, at the end of my budget statement, I made it abundantly clear that we had only about a fortnight's time to submit the budget in its final form for the approval of the Cabinet and a province such as Bengal is, with an expenditure of nearly 15 crores of rupees, cannot be turned upside down in the course of a fortnight, however great a genius you may claim to be. Further, the times were admittedly of an abnormal character. I, therefore, said very clearly that the mere inclusion of big items of expenditure in the budget should not suggest that the present Ministry was accepting the responsibility for giving effect to each one of them without further scrutiny and I also said that I would welcome constructive suggestions from all sides of the House indicating the main directions in which alterations

might suitably be effected. I made a careful note of some of the suggestions made by different members. There was one proposal that new expenditure on the Debt Settlement Board might be postponed. That covers expenditure for about Rs. 3½ lakhs. There was a proposal, I believe coming from the European Group, that the expenditure on jute regulation was excessive and there was room for scrutiny there. There was another proposal from my honourable friend Mr. Humayun Kabir that the post of the Additional Secretary of the Home Department might be abolished. There was a further proposal that at any rate the English edition of the "Bengal Weekly" might be discontinued. We have got only these four concrete suggestions for revision of policy or retrenchment which this House desires the Government to consider. I hope, Sir, that the situation is not really so hopeless and that there may be other items of expenditure in other directions as well which Government may consider it their duty to examine, so as to save expenditure to a certain extent. The other criticisms which have been made are just playing of words in relation to nation-saving. I suppose I gave the clue myself—nation-saving *versus* nation-building. When I used that word "nation-saving", I did not for a moment contemplate that nation-saving could ever mean the possibility of our doing away with all the nation-building activities in the province. But I would like to put the test in this manner. Such activities may relate to development of industries, to re-organisation of the supply of food for the consumption of the people of Bengal, or to a revision of the agricultural plan and policy of the province. These big activities may be and should be undertaken by Government even during war time, because only by this, the nation can be saved and saved for the purposes of the war itself. During war you cannot obtain supply of many articles from outside. This is just the time when the essential needs of the province have to be produced and thereby you strengthen the war efforts and also stabilise the economic position of the province. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That was my suggestion.) I have gone through the pamphlet which Hon'ble Leader of the Opposition handed over to me two days ago. I was interested to find that there were many ideas contained therein which tallied with the viewpoints of many members belonging to the present Cabinet regarding the future economic development of this province.

Sir, the other point which has been raised is: that we have been thinking only of Calcutta and neglecting the needs of the rural areas. Now, if you scrutinise the budget, on A. R. P. expenditure, civil defence expenditure, it will no doubt be found that we have budgeted provisions not for all places,—and let us hope that every part of the province will not be affected,—but only for those places which are vulnerable areas and particularly industrial areas. It is for this reason that the expenditure on civil defence should be considered as a

separate item altogether. As has been pointed out by the Hon'ble Mr. Santosh Kumar Basu, three-fourths of this expenditure will be met from the Centre. More provision could be made for the development of rural areas had it not been an abnormal situation. In fact, if you consider the budget as a whole, then you will see that many of the activities which go to improve the lot of the people as a whole refer necessarily, as they must, to improvement in the conditions of rural life. As regards the civil defence question, I am not going into the details of it. Mr. Basu has already done so; but I appreciate the viewpoints of several members who have enquired, as we are all enquiring, whether A. R. P. measures or civil defence measures will by themselves be adequate for saving the people of Calcutta or of this province. I made it abundantly clear in my statement that constitutionally situated as we are, we are not permitted to provide for the military defence of the province or to organise or influence it. The opinion has been expressed by several members that this is just the time when there should be built up a Home Army for Bengal as Australia has done, that arms and ammunitions should be provided without restriction for the children of Bengal. We too share the same view. We fully agree that unless the people of this province are given the responsibility to defend themselves and their hearths and homes, the country cannot ever be saved by an army, control over which does not rest with the representatives of the people. But as I have said, that is an aspect, a bigger aspect, of our national position which the present Ministry cannot solve under the present constitution. But, there again, supposing that those other essential things which we are demanding and which we have every right to demand are not forthcoming, what should be our attitude? Shall we simply sit tight and do nothing? The problem of civil defence is, after all, a most important problem by itself. Countries which have been subject to air-raids have had to make complete arrangements for the safety of the civil population, in addition to their military operations. This is a new tactic in this war. In previous wars it was only those who actually fought in the battle fields or in the sea or in the air that were concerned directly with the ravages of the war and the civil population was only indirectly affected by the war. But ever since the present war has come with all its horrors, we have seen that there is a possibility of the civil population, entirely innocent, of being openly and directly attacked by the enemy. The question of saving them, reducing their miseries and the solution of many other problems, economic and social which obviously arise in connection with their defence, has to be solved by the Civil Government of every country and I would beg my friends to consider this aspect of the problem in deciding upon their share of responsibility in facing the crisis that threatens us to-day. Mr. Basu has said that whatever arrangements we may make on paper for civil defence and A.R.P. work in the areas concerned can only succeed if we get the

whole-hearted and immediate co-operation of all sections of the people. We have made that appeal and I repeat that appeal once again that we are almost reaching a time when danger may visit Calcutta at any moment. It is indeed lamentable that the Honourable Minister for Civil Defence Co-ordination has to get up in this House and say that even Calcutta has not been able to supply the minimum number of persons who may be required to do service for the protection of their fellow-brethren. It is in this sphere of work that we ask for the whole-hearted co-operation of all sections of the people. Mr. Basu has announced that a proposal is now pending before Government which if given effect to will enable Government to have the fullest co-operation of all the organisations irrespective of their policy or their views. I hope that will widen the scope of co-operation and we shall have no cause for making complaints about dearth of suitable men for the different A. R. P. services.

Now, Sir, I pass on next to some of the observations of a general character that were made by several members. One was—why were the proceeds of the new taxes not diverted for nation-building activities, as the late Finance Minister definitely announced that that would be done. When that enquiry is made by those members in the House who were in the Opposition when the last Ministry was in power, I can understand and appreciate it. But when that question is put by the Leader of the present Opposition himself and those members who were in support of the past Ministry, I really doubt the wisdom of that remark——(Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Why?) My friend asks "why". He would have got the answer even if he had not asked why. The reason is that they themselves were very satisfactorily hoodwinked by the late Finance Minister. Four months before we came into office, the decision was taken by the past Government that the revenue coming from these new taxes would have to be utilised for meeting the deficit with which the province was confronted; and thus we find that the little sugar-coated paragraph in the late Finance Minister's statement, which I have not unfortunately been able to reproduce in my statement, was there only to mislead the House and the public. The sugar-coated paragraphs in the last budget statement which gave definite pronouncement to both Houses of the Legislature that the additional revenue would be spent for nation-building departments were necessary for winning the vote of the Coalition Party as it then stood, in support of the Ministry then in office——(Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it correct?) Yes, it is correct and if my honourable friend comes to my office, without violating the Official Secrets Act I shall satisfy him that this was so.

Then, Sir, my honourable friend Mr. Ross asked, with reference to the proceeds of the Sales Tax, whether we were safe in estimating that

we should get one crore of rupees in 1942-43. I may say that on the 1st October the Sales Tax came into operation; but actually there were administrative difficulties in giving full effect to it and the realisation during this year did not represent the revenue which was expected normally during the period of six months. I agree that the time being abnormal even our forecast may not prove to be correct. Subject to that, we have made a provision of one crore of rupees. Mr. Ross asked whether the expenditure on civil defence includes the cost of acquisition of foodstuff in connection with the scheme for evacuation which is being prepared. He also asked whether it includes the cost of relief centres outside Calcutta as proposed by the new Director of Civil Evacuation and also the cost of the new report centres and the telephone services. I find that some of them are included, but not all. When we receive reports in full, it will be necessary for us to make adjustments so as to make ample provision for the purposes mentioned by him.

I now come, Sir, to the provision of one lakh of rupees for promoting communal harmony. Sir, the Leader of the European Group—I made a note of that expression—reminded the House and the Ministry in particular, that communal harmony cannot be purchased. We know that, Sir. We did not include this sum exactly from the point of view which dominates the outlook of my honourable friends from Clive Street. It is not in a business-like spirit that we did it. My friends on the Opposition expressed their great anxiety that although this money might be spent on communal harmony, it perhaps may or may not come. May I remind them that if communal harmony does not come by carrying on propaganda on proper lines, disharmony did come by the provision of Rs. 30,000 for a dole to a newspaper which had no other business but to spread communal poison. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: There were other papers also.) Mr. Abul Quasem might even now raise subscriptions from his party and pay back that Rs. 30 thousand to the coffers of the Bengal Government.

**Maulvi ABUL QUASEM:** You may ask the members of the previous Government to find that money.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** That is shifting of responsibility. You know, Sir, we have a custom according to which if our ancestors contract debts, we consider it a sacred duty that their heirs and successors should pay them up. From that point of view at any rate, Mr. Abul Quasem might start on the duty of collecting this Rs. 30,000 from his party. But, Sir, the point is something more serious than that. This province during the last four years and a half has passed through very difficult times and the very fact that Mr. Fazlul Huq and some of us who did not see eye to eye with each other have, in

spite of all our differences, combined together shows that we realize that the hope of this province lies in communal amity and communal harmony. (Maulvi ABUL QUASEM: At the cost of the Muslims.) It is not at the cost of the Muslims. It may be at the cost of Mr. Abul Quasem and his friends but it is not at the cost of the Muslim community. It has the support, if Mr. Abul Quasem will scrutinize, of a large number of Muhammadan members in the Legislative Assembly (Maulvi ABUL QUASEM: And the number of Whips you have appointed) and in the Legislative Council. If Mr. Abul Quasem wants to be a Whip, he can let us know; we shall consider his application. But the question of appointment of Whips was not the point which I was discussing just now. If Mr. Abul Quasem and his friends will only count the number of Muslims who support the present Coalition, he will have the satisfaction of regarding himself in a minority. The majority of Muslims, and I say this as a result of my recent tours, want that there should be communal amity and communal harmony. Sir, the less we talk of what Mr. A. K. Fazlul Huq has done or has not done, the better for everyone. Well, what has Mr. A. K. Fazlul Huq done, after all? What has been the crime which he committed, which broke the so-called solidarity among the Muslims? Who broke the solidarity among the Muslims? Well, Sir, this is a fact which is too well-known to the members of the then Coalition Party. A large number of the members of that party demanded the resignation of a certain Minister. Had he tendered his resignation there would not have been any trouble at all. (Maulvi ABUL QUASEM: That was not the case.)

**Mr. PRESIDENT:** Order, order. I want to make it clear that there should be no interruptions unless the Hon'ble Minister gives way. I shall not allow interruptions any more.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** Thank you, Sir. I did not interrupt any honourable member when many unkind words were being used by them which had no foundation at all. I do not know why the gentlemen to my left should be so impatient when I utter some simple home-truths.

As I was saying, Sir, if that Hon'ble Minister had resigned there would have been no occasion for us to come to office, there would have been no reshuffling of the last Cabinet. But unfortunately for him and fortunately for us and the whole province that was not done. They thought that the Chief Minister, Mr. Fazlul Huq, would be thrown to the wolves and could find no place in Bengal. We were then very disinterested spectators. We do not forget how a huge gathering was called by some of the members of the last Cabinet where an effigy of Mr. Fazlul Huq was insulted. The result was that Mr. Fazlul Huq came out with a large number of Muslim followers and offered his hand

of co-operation to the Hindus, to the Indian Christians, to the Anglo-Indians, to the Buddhists for the purpose of building a real national Government in the larger interests of the province. Has he thereby committed any crime, has he done any wrong for which he should be attacked here, there and everywhere? My friend has said that the taste of the pudding is in the eating. Exactly. We had been eating the pudding of the last Ministry for 4½ years. Rotten and poisonous stuff that was! They have been eating our pudding only for the last two months. We are prepared to offer them good and wholesome pudding and something more, if they only come and sit with us, especially during this dangerous time that lies in front of us. Another friend has complained that the Defence of India Rules have been applied to the Muslim League members to oppress them. I can give this assurance on behalf of the Cabinet that not in one single instance had they issued instructions that a particular member of the Muslim League or a particular worker should be prosecuted under the Defence of India Rules for giving expression to his legitimate constitutional opposition. What has happened during the last two months? The ex-Home Minister and the ex-Finance Minister have been going about throughout the province holding as many as 475 meetings and the pamphlets which are being circulated are not only spreading venom and poison against Hindu-Muslim relationship but also against the Chief Minister and some other members of the Cabinet. We have allowed that to be done. We have not yet put the ex-Home Minister in the Alipore Central Jail. He is still free to spread the poison. Is it then correct to say that we have been carrying on proceedings under the Defence of India Rules for suppressing the legitimate expression of public opinion? But I know, Sir, where the shoe pinches. For the last 4½ years there had been a reign of oppression. There had been repression. We know how the Defence of India Rules were applied by the ex-Home Minister in matters where such application was absolutely unnecessary. The present instructions to take action under the Defence of India Rules were issued under his auspices to the District Officers. Unfortunately, those Rules have now become applicable in the case of some of his own followers. But if that is so, he has to thank the policy which he himself initiated and not blame the present Home Minister or any particular member of the Cabinet.

Sir, let me say this: we do not like that in this critical time we shall carry on discussions in this spirit. We have come to office by reason of our constitutional right. We have come to office because we claim that we enjoy the confidence of the vast majority of the elected members of the Legislature. But we do not want that the administration of the province should be carried on in a manner which will suggest that the party in power is going to stifle the party in opposition or in a manner which is not in the best interest of the province. We have got to pool our resources together. We have got to think not

only of our interests as Hindus or Muslims. We know that we cannot forget that we are Hindus or Muslims, or Christians or Anglo-Indians, but we have to think mainly of the interests of Bengal to which we all belong. This province stands to-day in need of help and co-operation from all sections of the people. We can lay aside our mutual differences for the time being. The time may come again afterwards when we can fight our battles. But for the time being let us show the same spirit of combination and unity which has been shown in England, the same spirit that was shown when Sir Stafford Cripps who was almost an untouchable in the eyes of the authorities in England only a couple of years ago, has been summoned to-day to occupy the position of the Leader of the House of Commons. Let us exhibit that spirit of united action in this time of national danger and offer the hand of co-operation to all sections of the House and of the people who have a genuine desire to fight the enemy. Let us all work together. There may have been things which we had done but which you do not approve. Tell us what those things are, but please do not carry on a policy of misrepresentation and calumny. Because if you do that, you will invite resistance and that in a manner which you have not yet dreamt of. But if we co-operate, if all parties and all sections of opinion in the province co-operate, and there is no reason why they should not, then we shall be able to show that the great position which Bengal once occupied in the whole country can yet be recovered by herself for the advancement of our common national interests.

**Mr. PRESIDENT:** The Council now stands adjourned till 2-45 p.m. to-morrow.

## Adjournment.

The Council then adjourned till 2-45 p.m. on Thursday, the 26th February, 1942.

## Members absent.

The following members were absent from the meeting held on the 25th February, 1942:—

(1) Mr. Altaf Ali.
(2) Rai Bahadur M. N. Bose.
(3) Mr. N. C. Datta.
(4) Mrs. K. D'Rozario.
(5) Mr. K. K. Dutta.
(6) Khan Bahadur Alhaj Khwaja Mohd. Esmail.
(7) Mr. Mohamed Hossain.
(8) Alhaj Khan Bahadur Shaikh Mohd. Jan.
(9) Khan Bahadur Mohd. Asaf Khan.
(10) Maulana Mohd. Akram Khan.
(11) Mr. W. B. G. Laidlaw.
(12) Mr. J. McFarlane.
(13) Mr. Naresh Nath Mookerjee.
(14) Dr. R. K. Mookerji.
(15) Mr. R. Pal Chowdhury.
(16) Khan Bahadur Kazi Abdur Rashid.
(17) Mr. K. C. Roy Chowdhury.
(18) Khan Bahadur M. Shamsuzzoha.
(19) Sir B. P. Singh Roy.
(20) Raja B. N. Sinha Bahadur.

B. G. Press—1942-43—1315A—750.

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session—No. 8.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 26th February, 1942, at 2-45 p.m., being the eighth day of the First Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

MR. PRESIDENT (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

## QUESTIONS AND ANSWERS

**14. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) whether he has by now considered the reports of the Agricultural Engineer regarding reclamation of waste land in the *bhati* area;

(*b*) whether he is aware that in similar areas in the Sylhet district pump irrigation has been tried and found successful;

(*c*) whether he is aware that the economic deterioration has reached its climax in the *bhati* area this year where relief is being given on an extensive scale for protecting the lives of people;

(*d*) whether he considers it desirable to order experiments in pump irrigation as recommended by the Agricultural Engineer during this cold weather in the said *bhati* area;

(*e*) whether he is aware that the agricultural labourers of *bhati* area have been hard hit by the jute regulation and acute distress is prevailing among them; and

(*f*) what steps does he propose to take for alleviating the sufferings of the agricultural labourers, if jute restriction continues?

**MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca):** (*a*) The reports are under consideration of Government.

(*b*) I am aware that power irrigation is being tried in Sylhet, but I have no definite information about its success.

(*c*) There has been some distress in the *bhati* area and necessary relief is being given.

(*d*) The matter is engaging the attention of Government and necessary action will be taken as soon as a decision is arrived at.

(*e*) There has been some distress but the situation this year is better.

(*f*) The *bhati* area has been given special attention this year in the matter of exemption from jute regulation. A very large number of petitions for exemption were received even after the official date and all these were considered with the utmost sympathy. As a result the area under regulation has been materially reduced and with the extension of the area upon which jute may be grown from 5½ annas to 10 annas on the regulated area, the situation of the agricultural labourers in this area has been very greatly improved.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** With reference to (*a*), will the Hon'ble Minister be pleased to state when we may expect any decision on the report from the Government?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** As early as possible.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** In the printed answer in part (*a*) it is said "I am aware that power irrigation is being tried in Sylhet, but I have no definite information about its success". Is the Hon'ble Minister aware that I made over the report of the Agriculture Department, Assam, in respect of pump irrigation in Sylhet to his predecessor the then Hon'ble Minister in charge of Agriculture Department?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** I am not aware of that. Probably he has taken it away. But I shall look into the matter.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** It was the only copy I had and I think it is with the Assistant Secretary of the Department.

Sir, there has been some distress——

**Mr. PRESIDENT:** You might mention to which part of the question you want an answer.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** With regard to (*e*), is the Hon'ble Minister aware that great distress is prevailing there even now and more than 5,000 workers are working in relief works?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** I am not aware of that. I shall make an enquiry and certainly I shall see what can be done in the matter.

**Failure of crop in Kandi subdivision.**

**15. Khan Bahadur ATAUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state if he is aware that a large area in the Kandi subdivision of the Murshidabad district suffered this year from flood and there has been a failure of *aman* crop?

(*b*) Is he aware that the same area may suitably grow *boro* paddy in the low-lying land and *rabi* crop in the higher parts?

(*c*) Have the Government taken any steps to supply them with seeds?

(*d*) Is the Hon'ble Minister aware that the cultivators in the area who suffered from failure of crop consecutively for three years (1939-1941) are compelled to buy *boro* seed at Rs.7 per maund and wheat at Rs.8 and gram at Rs.5 to Rs.6 per maund?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** (*a*) The *aman* paddy crop was affected by flood to a certain extent only in Hijal area. Otherwise the condition of *aman* paddy was much better than in previous years.

(*b*) The *rabi* crop can be grown in the higher parts, but *boro* paddy can be grown in the low-lying area of Hijal only.

(*c*) Seeds were supplied to demonstration centres and Union Board farms for distribution.

(*d*) No.

**Khan Bahadur ATAUR RAHMAN:** It is my personal information, Sir, that it is not the Hijal area alone but there are other parts of Khargram thana that were affected by the flood and consequently the *aman* paddy was destroyed. Will the Hon'ble Minister be kind enough to make a further enquiry?

My next question, Sir, is as to the distribution of *boro* paddy seed. Will the Hon'ble Minister be pleased to state if any demonstration centre distributed any *boro* paddy seeds in the affected areas of Khargram thana?

These two points I would request the Hon'ble Minister to answer, Sir.

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** It is my information, Sir, and it is also given in the printed answer that the affected area was only Hijal. But if, as the honourable member says, there are other affected areas, I shall certainly look into the matter.

Secondly, Sir, with regard to the distribution of seeds, I shall most certainly make an enquiry.

## Arial Bil Election.

**16. Mr. HUMAYUN KABIR:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) if his attention has been drawn to—

(*i*) the printed manifesto addressed to cultivators of Arial Bil by the District Magistrate of Dacca, dated the 5th September, 1941,

(*ii*) the printed appeal issued by the Secretary, Congress Arial Bil Committee, dated Bhadra 26, 1348 B.S.,

(*iii*) the rules framed by the Collector of Dacca for regulating elections of Committees about Arial Bil, and

(*iv*) the printed appeal (in booklet form) issued by the Secretary, Congress Arial Bil Committee, dated Aswin 27, 1348;

(*b*) whether it is a fact that—

(*i*) the cultivators have expressed their suspicion about the accuracy of the basis of the revised assessment rate of 10 annas per bigha of cultivated land in the numerous mass petitions addressed to the Ministry, and

(*ii*) there has been interference with the Arial Bil elections by officials; and

(*c*) what action do the Government contemplate in order to resolve the existing deadlock and improve the administration in the affairs of Arial Bil so as to place the scheme on an efficient basis?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** (*a*) (*i*) to (*iii*) Yes.

(*iv*) and (*b*) (*ii*) No.

(*b*) (*i*) Some petitions were received and the matter is being dealt with by the Collector.

(*c*) Does not arise at present.

**Mr. HUMAYUN KABIR:** Arising out of (*a*)(*iv*), will the Hon'ble Minister kindly enquire whether this printed appeal has since been brought to the notice of the proper authorities now—at least after the receipt of notice of this question?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Most certainly, Sir.

**Mr. HUMAYUN KABIR:** Arising out of (*b*)(*i*), is it not a fact that some of these petitions are against the accuracy of the assessment made by the District Collector himself?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** May be so, Sir.

**Mr. HUMAYUN KABIR:** Will the Hon'ble Minister kindly make an enquiry into the matter and see that the grievances of the cultivators are met?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** I shall do so, Sir. I shall be going to Dacca very soon and I shall most certainly see the area in question and I shall make an enquiry into the matter myself.

### Cultivation of sugarcane in Kandi.

**51A. Khan Bahadur ATAUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state if he is aware that the cultivators in the Kandi subdivision grow sugarcane for making molasses (*gur*) for their own use?

(*b*) Is it a fact that they could not plant and grow sugarcane this year on account of want of irrigation water as all tanks were dried up for failure of rain in 1940?

(*c*) Is it a fact that the previous crop which was mostly CO 213 suffered from disease and it failed?

(*d*) Is the Hon'ble Minister aware that the cultivators in this area plant sugarcane in March-April?

(*e*) Is the Hon'ble Minister aware that on account of the failure of the main crop (*aman* paddy) last year they were much distressed?

(*f*) Will the Hon'ble Minister, under the circumstances, propose to make arrangements to supply them with sugarcane cuttings of some other variety in March-April free of charge or at a nominal price?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** (*a*) Yes, in small areas.

(*b*) Yes, in some places.

(*c*) The crop failed only in some places where the cultivators neglected the advice of the department about the proper method of growing.

(*d*) Yes, but it has been demonstrated to the cultivators that sugarcane planted in November and December gives better results than that planted in March-April.

(*e*) There was partial failure of *aman* paddy.

(*f*) The matter is under consideration of Government.

**Sir BIJOY PRASAD SINGH ROY:** Is the Hon'ble Minister aware that there is a Tank Irrigation scheme of Government?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Yes, there is one such.

**Sir BIJOY PRASAD SINGH ROY:** Does he know that the district of Murshidabad is one of the districts that is expected to be benefited by that scheme?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Probably so.

**Sir BIJOY PRASAD SINGH ROY:** I expect a definite answer from the Hon'ble Minister. "Probably" is not the answer that I expected from him.

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** This does not fall exactly within the sphere of my department; so I could not give any definite reply.

**Sir BIJOY PRASAD SINGH ROY:** It may fall under "Revenue", but I will just draw your attention, Sir, to the fact that, when the

Hon'ble Minister undertook to reply to this question, it was his duty to find out whether there is such a scheme or not and as a matter of fact, Sir, there is the provision of a lakh of rupees in the budget for the purpose. As Minister in charge of 'Agriculture" it was his duty to know on what scheme that money was going to be spent.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** It seems that Sir Bijoy knows more on the point than the Hon'ble Minister to whom this question has been put.

**Sir BIJOY PRASAD SINGH ROY:** I am not giving the reply. I am trying to elicit information. Don't try to defend the Hon'ble Minister in charge, please.

### Directors of Agriculture and Industries.

**51B. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) for how long the present Directors of Agriculture and Industries have been holding their respective posts;

(*b*) when they will complete their term of office;

(*c*) whether ordinarily the heads of departments hold office for five years only;

(*d*) if the reply to part (*c*) be in the affirmative, whether above posts have been advertised calling for application from qualified candidates;

(*e*) for how long the Special Officer, Water-hyacinth, has been holding his post and what are his duties;

(*f*) if he has any schemes;

(*g*) for how many days he toured during the last 12 months and in which districts;

(*h*) what are the duties of the Agricultural Engineer; and

(*i*) if the Government have sanctioned any of his schemes within the last 3 years and has any of them materialised?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** (*a*) Since the 16th January, 1937, and the 2nd January, 1937, respectively.

(*b*) Ordinarily the officers will continue to hold the posts till the age of superannuation.

(*c*) No.

(*d*) Does not arise.

(*e*) The post was created in December 1939. The present incumbent has been holding it since the 3rd September, 1941.

The main duties of the officer are to make enquiries into the water-hyacinth problems in large *bil* areas of the province and to assist the District Authorities in surveying, planning and drawing up of schemes for the destruction of water-hyacinth.

(*f*) No. The schemes were drawn up by District Officers.

(*g*) Between December, 1940, and November, 1941, the Special Officer toured for 69 days in the districts of Nadia, Rajshahi, Pabna, Dinajpur, Faridpur and Rangpur.

(*h*) A statement showing the duties is laid on the table.

(*i*) Yes.

*Statement referred in reply to part (h) of the Council Question No. 51B.*

*List showing the duties of the Agricultural Engineer, Bengal.*

(1) The preparations of plans and estimates for the construction of dams and leads for flow irrigation in Western Bengal.

(2) Supervision of construction work referred to at (1).

(3) Survey of water levels in Bengal with reference to tube-well irrigation.

(4) Experimental sinking of tube-wells.

(5) Supervision and sinking of tube-wells in areas found suitable.

(6) Maintenance of well machinery.

(7) Excavation and re-excavation of *khals* in Eastern Bengal. Preparation of estimates and supervision of work.

(8) Experiments with lifting machinery in Bengal.

(9) Maintenance of machinery installed.

(10) Maintenance of farm machinery, tractors, ploughs, engines, threshers, pumps, etc.

(11) Construction of farm machinery suitable for Bengal, such as ploughs, drills, etc.

(12) Training of apprentices in management of machinery, tractor, etc.

(13) Preparation and erection of small irrigation schemes.

(14) Supervision of practical training of the students of the Bengal Agricultural Institute in his workshop and supervision of teaching in Agricultural Engineering.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** With reference to (*b*), will the Hon'ble Minister please state what is the usual procedure? Is it that the officers are retained in the same place till they retire?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Usually so.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** What is the special reason for which they are being retained in these posts for more than 5 years?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Due to war emergency it is not possible to get suitable officers to replace them.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** With reference to (*f*), the reply is not to the point. I had asked how many schemes the water-hyacinth officer has prepared.

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** I want notice for that.

**Mr. HUMAYUN KABIR:** Is it not a fact that the post of the Director of Agriculture or the Director of Industries is a special post from which he cannot be transferred to any other district?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur of Dacca:** That is also true.

**Memorial from the people of Sankerpur.**

**6. Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. K. C. Roy Chawdhury):** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the villagers of Sankerpur and other adjoining villages of police-station Narail, district Jessore, submitted a memorial signed by about 300 persons of the said villages, dated the 7th January, 1942, addressed to the Hon'ble Minister? If so, what were the contents of the memorial?

(*b*) If the reply to part (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state if any actions have since been taken or intended to be taken by the Government in the matter? If so, what are they? If not, why not?

**MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Santosh Kumar Basu):** A copy of the memorial is laid in the Library.

(*b*) The local bodies concerned are primarily responsible for the matters raised in the memorial. Government have, however, rendered or propose to render the following assistance:—

(1) Provision has been made in the rural water-supply programme of the district for a tube well in the village of Sankerpur. It is proposed to sink this tube well out of the current year's provincial grant for rural water-supply.

(2) The Assistant Director of Public Health, Malaria Research, visited Sankerpur and other villages in the district of Jessore on the 8th December, 1941. A malaria treatment centre was opened by the District Board of Jessore with the help of an epidemic doctor deputed by the Director of Public Health at Panjarkhali which is just on the other side of the river opposite Chandibarpur village and is also badly affected with malaria. One doctor was deputed by the Director of Public Health to carry out anti-malaria work in the locality for two months from the 23rd September, 1941. On the expiry of his term, another doctor has been appointed for three months from the 28th November, 1941, and has been instructed to look after two malaria treatment centres, one at Sankerpur-*cum*-Chandibarpur and the other at Panjarkhali. Quinine products were also supplied by the Director of Public Health for free distribution to the patients.

(3) Government are prepared to consider a proposal if and when received, for a recurring grant towards a permanent dispensary after it is established by the local bodies concerned or the local people, in accordance with their policy of assisting in the maintenance of rural dispensaries.

## Point of Privilege arising out of A. R. P. Measures.

**Sir BIJOY PRASAD SINGH ROY:** Sir, I rise on a question of privilege. In view of the very serious war situation in the Far East, specially in Burma, I would like to know if the Government are prepared to take the House into confidence and inform the House as regards details of the A. R. P. measures that they have adopted so far as Calcutta and its suburbs are concerned. I think the public are getting very impatient and nervous and it will certainly reassure the public if the House is taken into confidence and is informed of the measures adopted or are proposed to be taken, if necessary, in a secret session of the House.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Sir, on the last occasion when this matter came up for consideration in connection with

the budget discussion, some information was given by me to the House. As I had then an opportunity of laying before the House in some detail the steps that have been taken in this regard, I do not know if my honourable friend Sir Bijoy Prasad Singh Roy is anxious to get more details than were possible for me to give then. If that is so, then I shall welcome such an opportunity. This information can be given to him personally, or if he insists upon the matter being discussed over again in this House, I shall be prepared to accommodate the House. The question of a secret session may be decided upon by the appropriate authority.

**Sir BIJOY PRASAD SINGH ROY:** Sir, I greatly appreciate the reassuring reply given by the Hon'ble Minister in charge of Civil Defence. There is no question of supplying the information to me personally. My suggestion is that the information should be supplied to all the members of the House—to the House as a whole, so that the public outside may be reassured through the discussion. We will certainly welcome further and more detailed information than was supplied to the House in course of the budget discussion. The position with regard to Calcutta should be more clearly explained—that is my proposal.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Sir, I am particularly anxious to take the public into confidence and whenever I get an opportunity in public meetings to inform the audience as to what steps have been taken, I turn it to the best possible advantage. But I thought that Sir Bijoy Prasad Singh Roy's request was for a secret session. That does not seem to me to be quite consistent with taking the public into confidence as he now suggests. We cannot have a secret session and at the same time dole out information to the public through the agency of a secret session. May I know definitely what he wants—whether it is a secret session for the members of the House or fuller details of the A. R. P. and civil defence measures that the Ministry are going to adopt?

**Mr. PRESIDENT:** What Sir Bijoy Prasad wants to know is: if Government feels the necessity of having a secret session where they may disclose fuller details about A. R. P., in that case only he would welcome a secret session. I would suggest, however, that Government must be given some time to consider whether they may agree to the proposal. I think it is better to leave the question now at that. If the Hon'ble Minister after mature deliberation considers that it will be useful to have a secret session, a secret session may be arranged.

**Sir BIJOY PRASAD SINGH ROY:** Sir, in my request for information I made it quite clear that if it was considered necessary by

Government then and then only a session might be held, for I thought that it might be difficult and inexpedient also to place all the details of the measures before the House unless there was a secret session.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** I shall certainly consider that proposal, Sir.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, in this connection may I suggest that A. R. P. measures should be taken also in respect of all the danger zones?

**Mr. NUR AHMED:** May I request that the case of Chittagong may also be taken into consideration?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Sir, may I draw your attention to the fact that on some very important State business the nature of which I am not authorised to disclose, I have to leave Calcutta for some time? As I shall not be able to be present in the House to-morrow, which is a non-official day, may I request that with your permission one of my honourable colleagues may be allowed to reply to the resolution of Khan Bahadur Saiyed Muazzamuddin Hosain which stands second in the list of to-morrow's resolutions and relates to the Agriculture Department?

**Mr. PRESIDENT:** Certainly. But it is quite possible that the honourable member who has given notice of this resolution may not move it at all in view of the fact that the Hon'ble Minister in charge of the Agriculture Department will be absent to-morrow. But if he insists on moving his resolution, any other Minister may speak on behalf of the Minister for Agriculture.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** I think it will do if any other Hon'ble Minister speaks on the Nawab Bahadur's behalf.

**Mr. PRESIDENT:** The next item on the Order Paper is discussion of Supplementary Estimates. I may inform the House that the Hon'ble Finance Minister is away on a very urgent call of duty elsewhere. It is for the Leader of the House to say if this item should be taken up to-day or be postponed to a further date.

**The Hon'ble Mr. M. ABDUL KARIM:** I suggest that it may be convenient for the House as well as for the Hon'ble Finance Minister if this matter is postponed to a future date.

**Mr. PRESIDENT:** The discussion on Supplementary Estimates is postponed.

**The Bengal Criminal Law (Industrial Areas Amendment) Bill, 1941 (as reported by the Select Committee).**

**Mr. PRESIDENT:** The next item on the Order Paper is the Bengal Criminal Law (Industrial Areas Amendment) Bill, 1941.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I beg to move that the Bengal Criminal Law (Industrial Areas Amendment) Bill, 1941, as reported by the Select Committee, be considered, clause by clause.

**Mr. PRESIDENT:** Order, order. The Bill is already before the House.

*Clause 1.*

**Mr. PRESIDENT:** Clause 1 stand part of the Bill.

**Mr. NUR AHMED:** I beg to move that in clause 1 of the Bill, in sub-clause (*1*), for the figures "1941" in line 2, the figures "1942" be substituted.

Sir, the need for this amendment is obvious and I hope it will be accepted.

**Mr. PRESIDENT:** Amendment moved: that in clause 1 of the Bill, in sub-clause (*1*), for the figures "1941" in line 2, the figures "1942" be substituted.

The question before the House is: that in clause 1 of the Bill, in sub-clause (*1*), for the figures "1941" in line 2, the figures "1942" be substituted.

(The motion was agreed to.)

**Mr. R. W. N. FERGUSON:** I beg to move that in sub-clause (*2*) of clause 1 of the Bill, for the words and commas "and the Provincial Government may, by notification in the *Official Gazette*, extend the remaining provisions of this Act" in lines 2, 3 and 4, the words "and the remaining provisions of this Act shall extend" be substituted.

Sir, section 1A provides for notification in the *Official Gazette* declaring any area in industrial area for the purposes of this Act. If therefore any particular area is declared an industrial area under section 1A, the provisions of the Act should automatically apply to that area.

The second notification required under sub-section (*2*) of section 1—which moreover may or may not be given at the discretion of the Provincial Government—appears entirely unnecessary and for this reason I commend this amendment to the House for favourable consideration.

**Mr. PRESIDENT:** Amendment moved: that in sub-clause (*2*) of clause 1 of the Bill, for the words and commas "and the Provincial Government may, by notification in *Official Gazette*, extend the remaining provisions of this Act" in lines 2, 3 and 4, the words "and the remaining provisions of this Act shall extend" be substituted.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Sir, I have much pleasure in accepting the amendment. In the first place, this is a more artistic way of putting the thing and in the second place, the amendment would obviate the necessity of issuing the notification twice.

**Mr. PRESIDENT:** The question before the House is that in sub-clause (*2*) of clause 1 of the Bill, for the words and commas "and the Provincial Government may, by notification in the *Official Gazette*, extend the remaining provisions of this Act" in lines 2, 3 and 4, the words "and the remaining provisions of this Act shall extend" be substituted.

(The amendment was agreed to.)

**Mr. PRESIDENT:** The question before the House is: that clause 1, as amended, stand part of the Bill.

(The motion was agreed to.)

*Clause 2.*

**Mr. PRESIDENT:** Clause 2 stand part of the Bill.

**Mr. NUR AHMED:** Sir, I beg to move that sub-clause (*b*) of clause 2 of the Bill be deleted. Sub-clause 2(*b*) runs as follows:—

Any person found "disguised in any manner with intent to commit any criminal act;".

Sir, it is a very wide and very pernicious provision. It says any person "disguised in any manner with intent to commit any criminal act". If this is enacted into law any and every person can be apprehended if he is found as described in any dwelling-house or other building. This will take away the security of a house, the sanctity of the house in which the person in question happens to

remain and any police officer can go there and arrest any person on the plea that the former thinks that the latter is disguising himself with intent to commit any theft. Sir, it is a very very wide provision I say again, and I think it should not be enacted; so I want to omit this sub-clause.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, I beg to oppose this amendment. The Bill clause embodies one of the fundamental principles of the Bill and the sub-clause which is attempted to be removed, says that, if any person is disguising himself in such a manner as to commit a criminal act, he is to be apprehended and dealt with under this clause. This has a counter-part in section 109 of the Code of Criminal Procedure which is only preventive. This provision has further been bodily taken from section 32 of a very old Act, Act IV of 1866, the Calcutta Police Act, and thus there is nothing new or revolutionary in these provisions. In Calcutta as well as in the industrial areas, thefts occur on an abnormal scale at the present time. In these circumstances, the provision being a fundamental part of the Bill, and the evil being one of the mischiefs which this Bill proposes to check, it is not possible to accept the amendment in this way. So, I beg to oppose the amendment.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I beg to support the amendment which has been moved by Mr. Nur Ahmed. Sir, my friend opposite has already pointed out that there is a corresponding section in the Criminal Procedure Code, namely, section 109, and I take it, Sir, that section applies to all places in Bengal and as such I ask, Sir, what is the necessity of including separately a similar provision here? It iseems to be redundant. For that reason also it should be deleted.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Sir, I oppose the amendment, because the emphasis has to be laid not on the previous part of the sentence but on the latter portion, namely, "if that disguise is with intent to commit any criminal act". That point has been overlooked. In section 109 Criminal Procedure Code that is also there.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Then why this duplication?

**Khan Bahadur NAZIRUDDIN AHMAD:** That is merely preventive whereas this is punitive.

**Mr. PRESIDENT:** The question before the House is: that sub-clause (*b*) of clause 2 of the Bill be deleted.

(The amendment was negatived.)

**Mr. NUR AHMED:** Sir, I beg to move that in clause 2 of the Bill, in sub-clause (*c*), after the word "whatsoever" in line 1, the words "in any industrial area" be inserted.

Sir, to remove vagueness, the insertion of these words is necessary. Of course, I am conscious of the fact that this Bill will apply only to industrial areas. All the same, the language should be specific to indicate specifically where these provisions will apply.

**Mr. PRESIDENT:** Amendment moved: that in clause 2 of the Bill, in sub-clause (*c*), after the word "whatsoever" in line 1, the words "in any industrial area" be inserted.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, I beg to submit that this amendment is not necessary. It is already provided in clause 1, sub-clause (*2*) that the provisions of this Act will apply to areas which are declared to be industrial areas within the meaning of section 1(*a*). In these circumstances, any other building means any other building included within an industrial area. So, there is no need for a separate provision.

**Mr. PRESIDENT:** The question before the House is: that in clause 2 of the Bill, in sub-clause (*c*), after the word "whatsoever" in line 1, the words "in any industrial area", be inserted.

(The amendment was negatived.)

**Mr. NUR AHMED:** Sir, I beg to move that in clause 2 of the Bill, all the words beginning with "or any person having in his possession" in lines 16 and 17 and ending with "any implement of house-breaking" in line 19, be deleted.

Sir, the Bill-clause says "any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person) any implement of house-breaking", etc. Now, if this sub-clause is considered in all its implications, it will be seen that it seeks to give a very wide power to the police; more so, when the definition of "house-breaking implement" is not given. The police can arrest anybody who possesses a house-breaking implement. So, for the sake of individual liberty and also for the reason that the police may not harass anybody and everybody, I have moved this amendment.

**Mr. PRESIDENT:** Amendment moved: that in clause 2 of the Bill, all the words beginning with "or any person having in his possession" in lines 16 and 17 and ending with "any implement of house-breaking" in line 19, be deleted.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, I beg to oppose this amendment. There is nothing new in it. It has been borrowed bodily from section 32 of Bengal Act IV of 1866 where it is laid down: "any person having in his possession without lawful excuse (the proof of which excuse shall be on such person) any implement of house-breaking". If this provision is now deleted, the result will be that a person having a previous conviction for theft will be free to move about in the industrial areas with implements of house-breaking and the police will not be able to check their movements. That is the reason why this provision has been inserted. If we delete this, it will be doing away with the utility of the Bill altogether.

**Mr. KADER BAKSH:** Sir, it is very much amusing to find Khan Bahadur Naziruddin Ahmad opposing this amendment on such a flimsy ground. The reason which he has put forward is that this provision has been taken from Act IV of 1866. That reason is not very cogent. It is most unfortunate that he has not given any other reason save and except reading that portion of the Act of 1866. Now, Sir, the implement of house-breaking has not been defined. We do not know what is called a house-breaking implement. Had it been defined in the Act, the question would have been different. It is on the ground of the vagueness of this provision that I support Mr. Nur Ahmed's amendment.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Sir, as a Public Prosecutor, Mr. Kader Baksh knows very well—in fact perhaps better than any other member of this House—that this expression "implements of house-breaking" has been used so often and in so many various Acts and yet it has not been anywhere defined. Sir, the Legislature has always thought that there must be room in the legal brain for a little common sense. Probably, in that view of the case, the Legislature never thought it fit to define what is an implement of house-breaking. That has to be judged according to the circumstances of the case. With these few words, I oppose the amendment moved by Mr. Nur Ahmed.

**Mr. PRESIDENT:** The question before the House is: that in clause 2 of the Bill, all the words beginning with "or any person having in his possession" in lines 16 and 17 and ending with "any implement of house-breaking" in line 19, be deleted.

(The amendment was negatived.)

**Mr. NUR AHMED:** Sir, I beg to move that in clause 2 of the Bill, after the words "any police officer" in line 20, the words "not below the rank of a sub-inspector of police" be inserted.

Sir, I think that the insertion of these words is very necessary. In the Bill very wide powers have been given to the police officers. They have to judge every case and arrive at some decision as a result of which they can apprehend a man. Sir, I do not think that the ordinary constable who is quite an illiterate person, will be able to arrive at any impartial decision. The result will be that they will be able to harass anybody and everybody under the provisions of this Bill. It is, therefore, necessary that at least police officers not below the rank of sub-inspectors of police only should be given that power, so that the power may not be misused. In this view of the case, I commend this important amendment to the acceptance of the House.

**Mr. PRESIDENT:** Amendment moved: that in clause 2 of the Bill, after the words "any police officer" in line 20, the words "not below the rank of a sub-inspector of police" be inserted.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Sir, I oppose the amendment. I would ask the honourable mover to refer to the relevant section in the Police Act from which this clause has been bodily taken and also to section 54 of the Criminal Procedure Code, and then see for himself whether the proposition he makes, namely, that no police officer below the rank of a sub-inspector of police can be invested with the power of arrest—whether that position can be maintained for one moment. Does my friend think that Government should employ 50,000 sub-inspectors of police just to keep watch over the movements of these thieves? It is ordinarily done by a police officer. Any police constable may take him into custody and bring him without unnecessary delay before a magistrate having jurisdiction, for trial. Therefore, there is no need for apprehension and in fact the constable is simply to take the man from the place of occurrence where he is found to the house of a magistrate or to the court. This is what is always done. What my honourable friend suggests virtually amounts to this that every sub-inspector of police or assistant sub-inspector of police should be watching every corner of an industrial area, for there is no knowing when a thief is going to commit an offence. That, Sir, is an impossible proposition which cannot be accepted.

**Mr. PRESIDENT:** The question before the House is: that in clause 2 of the Bill, after the words "any police officer" in line 20, the words "not below the rank of a sub-inspector of police" be inserted.

(The amendment was negatived.)

**Mr. KADER BAKSH:** On a point of personal explanation, Sir. I am very sorry that I spoke from the front bench. I had no intention of going over to the front bench to speak, but I went there at the request of my friend Mr. Humayun Kabir. Sir, it is very inconvenient for me to speak from here and also I cannot hear what is said from the other side, from the back bench. I would therefore request you to take steps to change my present seat. I cannot hear from this seat and it is also very difficult for you, Sir, and the honourable members of the House to hear when I speak.

**Mr. PRESIDENT:** It is the duty of the Chair to allot particular seats to members. If any member wants to catch the eye of the Chair, he must rise from the seat allotted to him. In this case, the Chair thought that the honourable member belonged to the Coalition Party.

The question before the House is: that clause 2 stand part of the Bill.

(The motion was agreed to.)

*Clause 3.*

**Mr. PRESIDENT:** Clause 3 stand part of the Bill.

**Mr. NUR AHMED:** I beg to move that in clause 3 of the Bill, for the words "six months" wherever they occur, the words "three months" be substituted.

Sir, this clause relates to the penalty of imprisonment. In the original Bill, the words were "three months". But in the Select Committee, the words have been changed to "six months". Now, Sir, the modern tendency of penology is to reform the prisoners and to shorten the period of imprisonment. But to my great surprise in the Select Committee the period of imprisonment has been increased from 3 to 6 months. I only want to restore the original penalty of 3 months' imprisonment. Six months would be too drastic and too long. So, I have proposed this amendment.

**Mr. PRESIDENT:** Amendment moved: that in clause 3 of the Bill, for the words "six months" wherever they occur, the words "three months" be substituted.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I oppose the amendment, Sir. The Select Committee recommended the increase of punishment from three months to six months in view of the fact that the temptation to commit crime and the facilities to do so are so easy

in the industrial areas that unless some deterrent punishment is given, the ends of justice will not be met. I refer the honourable mover of the amendment, however, to section 411 of the Indian Penal Code where it is laid down that whoever dishonestly receives or retains any stolen property shall be punished with imprisonment which may extend to three years. I think he would then agree that six months' imprisonment is not at all drastic. So, I oppose the amendment.

**Mr. PRESIDENT:** The question before the House is: that in clause 3 of the Bill, for the words "six months" wherever they occur, the words "three months" be substituted.

(The amendment was negatived.)

**Mr. PRESIDENT:** The question before the House is: that clause 3 stand part of the Bill.

(The motion was agreed to.)

*Clause 1A.*

**Mr. PRESIDENT:** The question before the House is: that clause 1A stand part of the Bill.

(The motion was agreed to.)

*Title and Preamble.*

**Mr. PRESIDENT:** The question before the House is: that the Title and the Preamble be added to the Bill.

(The motion was agreed to.)

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Sir, I move that the Bill, as settled in the Council, be passed.

**Mr. PRESIDENT:** Motion moved: that the Bengal Criminal Law (Industrial Areas Amendment) Bill, 1942, as settled in the Council, be passed.

**Mr. NUR AHMED:** Sir, I rise to oppose the motion for the Third Reading of this Bill. Sir, if this Bill is placed on the Statute Book, it will restrict the liberty of many citizens. We never expected that a Bill of this nature would emanate from a Ministry which is proclaiming itself to be a progressive one. Sir, there might have been some justification if this Bill had been presented to this House by a bureaucratic Government but a Government, whose profession is that

it is based on progressive ideas, has now placed this Bill before this House. Sir, I suggested some amendments which, if accepted, would have minimised the evil effects of this Bill but the Hon'ble Minister in charge of this Bill who has got an intimate knowledge of the working of the Penal Code and the Criminal Procedure Code, opposed every amendment moved by me. This Bill, if placed on the Statute Book in the present form, will operate very harshly. Supposing an innocent man is by an accident found during the prohibited period of the day, *i.e.*, between sunset and sunrise, in any of the places described in clause 2(c), he may be hauled up on a charge of theft and any constable can apprehend him and take him, in the words of the Hon'ble Minister in charge, to the Magistrate; but that Magistrate, unfortunately for the poor man, may at the time be staying some thousands of miles away. For nothing the liberty of the man is to be curtailed and after some days, it may be, he will be taken before the Magistrate who may or may not release him on bail. In any case, this is a very wide provision in these days of enlightenment, in these days of individual liberty, when there is the cry that as far as possible no restrictions should be placed on any man. As I have said, I think this provision is very wide in its application. There is another provision that any person previously convicted of theft, if he happens to be—may be on some genuine business—on board a vessel anywhere and if when a police constable merely suspects that he has stolen, he can be arrested at once. That is also a very wide and sweeping provision. Sir, under the circumstances, I cannot describe the Bill that is going to be placed on the Statute Book of Bengal as a Black Bill. I opposed this Bill at the outset when it was going to be introduced and again to-day at the final stage of the Bill I have opposed it and I also appeal to the House to reject this Bill.

**Mr. J. B. ROSS:** Mr. President, Sir, I rise to support the Third Reading of this Bill. The coal trade of Bengal are very grateful indeed to the new Ministry for again bringing forward the Bill which was actually introduced under the aegis of the old Ministry. We have pressed for this legislation more in the nature of a temporary measure than as a permanent amendment of the Criminal Law. Our reasons are that times are abnormal just now and what in the ordinary course of events would not attract the common thief, at present constitutes a very great attraction to him owing to the ready sale which he can obtain for the material and the very high price which he can secure for it in what I might describe as the Black Market. For instance, an ordinary brass rod would be beneath the notice of an ordinary thief in the ordinary way, because it sells at about 6 to 7 annas a pound; but to-day it will fetch a sum somewhere in the region of Rs. 2 to Rs. 2½ per lb. and is therefore something worth while taking notice of. Under the law as it stands, the onus is on the owner of

the property,—the owner who has been plundered,—to prove that the property in possession of the thief is in fact his. Now, you can realise just exactly how difficult it is for any colliery manager to prove, for instance, that a particular piece of brass was taken out of his colliery or stores and is the property of his concern. In fact, it is quite impossible but nonetheless the amount of theft that has been going on over the past 18 months and the extent to which these thefts are developing have necessitated our appealing to Government for protection and the Bill which is now before the House does, we consider, give us that protection. Chittagong, unfortunately, is not what might be accurately described as an industrial area and therefore I cannot expect my honourable friend Mr. Nur Ahmed to understand the real implications of this Bill or to give up his political tenets and beliefs in favour of passing something which will be an indirect assistance to the war effort. I again strongly support this Bill and would request the Hon'ble Minister at the earliest possible moment after the Bill becomes law to have it applied to the industrial areas lying in and around the coal fields where protection is most urgently required.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I rise to oppose the passing of the Third Reading of this Bill and it is for this reason. Sir, I quite understand the Leader of the European Group saying that it is necessary that persons stealing properties which could not be properly identified should be confined and imprisoned. But what about the provision in the Bill where it says that "persons disguised in any manner with intent to commit any criminal act" shall be punished. An ordinary constable has been given the power to detain anybody found in that disguised condition assuming that his intention was to steal. On the evidence of the constable alone that person can be convicted and sent to jail for 6 months. This is rather giving a very wide power to the police. Of course we did not, I personally did not, oppose the introduction of the Bill but Mr. Nur Ahmed did. But we had a mind to ask the last Ministry, if they had been in power, to delete some of the provisions of the Bill where wide powers are sought to be given to the ordinary constables. Under section 109 of the Criminal Procedure Code, a person found in disguise may be asked to furnish a security, and if he fails to furnish the security he will be put in prison. And over and above that, we do not see what is the necessity of introducing a thing like this. I quite understand what the Leader of the European Group says in respect of the arrest of a person being found with property which cannot be properly identified, and arrested by any police officer including a constable, I do not at all understand why such a drastic provision should be necessary against persons supposed to be disguised when there is already section 109 for dealing with them. In this view of

the case, I think it is my duty to offer my opposition to the passing of the Bill.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Sir, I am thankful for the support I have got from all quarters of the House, except from the mover of the amendment and his supporter the honourable the Leader of the Opposition, Khan Bahadur Saiyed Muazzamuddin Hosain. Sir, I know that there are some people who have got a strong imagination and people with a strong imagination as a rule see more devils than the vast hell can hold. As a matter of fact, they are seldom prepared to face the reality of the situation. All the same, I was astonished to find that Mr. Nur Ahmed had cast a fling at the new Ministry as to how under a progressive Ministry an Act like this—a Black Act as he called it,—could be placed on the Statute Book. As a matter of fact, if my friend goes through the report of the Select Committee, he will find that Sir Nazimuddin was in charge of this Bill when it was introduced and further that he was the Chairman of the Select Committee which considered the provision relating to enhancement of the sentence from three months to six months. The mover of the amendment will also find that the report of the Select Committee was unanimous and it is upon that unanimous report of the Select Committee that the present Ministry, this progressive Ministry, has thought fit to take action. That we are justified in our action will appear from the fact that everybody in this House agrees with the Bill except two honourable members only. I think that Mr. Kader Baksh, who raised his faint opposition I should say, was also a member who considered the Bill in Select Committee and signed their report. However, Sir, I must express my gratitude to the House for giving a rather easy passage to the Bill and I hope that it will be of much service and use in the industrial and railway workshop areas for which this Bill has been primarily intended. As the Leader of the European Group has pointed out, these are abnormal times, and I do not wish to go over the same ground.

**Mr. PRESIDENT:** The question before the House is: that the Bengal Criminal Law (Industrial Areas Amendment) Bill, 1941, as settled in the Council, be passed.

(The motion was agreed to.)

**Mr. PRESIDENT:** The Council now stands adjourned till 2-45 p.m. to-morrow.

**Adjournment.**

The Council then adjourned till 2-45 p.m. on Friday, the 27th February, 1942.

**Members absent.**

Following members were absent from the meeting held on the 26th February, 1942:—

(1) Mr. Altaf Ali.
(2) Rai Bahadur Manmatha Nath Bose.
(3) Mr. N. C. Datta.
(4) Mrs. K. D'Rozzario.
(5) Mr. K. K. Dutta.
(6) Khan Bahadur Alhaj Khwaja Mohd. Esmail.
(7) Alhaj Khan Bahadur Shaikh Mohd. Jan.
(8) Khan Bahadur Mohd. Asaf Khan.
(9) Maulana Mohd. Akram Khan.
(10) Mr. W. B. G. Laidlaw.
(11) Mr. J. McFarlane.
(12) Mr. Naresh Nath Mookerjee.
(13) Dr. R. K. Mookerji.
(14) Mr. R. Pal Chowdhury.
(15) Khan Bahadur Kazi Abdur Rashid.
(16) Dr. K. S. Ray.
(17) Mr. K. C. Roy Chowdhury.
(18) Khan Bahadur M. Shamsuzzoha.
(19) Raja B. N. Sinha Bahadur.

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session—No. 9.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 27th February, 1942, at 2-45 p.m., being the ninth day of the First Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

## QUESTIONS AND ANSWERS

### Rise in price of commodities.

**52. Mr. LALIT CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether it is a fact that the prices of commodities which are the necessaries of life have shot up very considerably and have hit hard the general public?

(*b*) Will Government be pleased to make a statement on the subject as to what remedies they propose to adopt or have adopted or will adopt?

**MINISTER in charge of the EDUCATION, COMMERCE and LABOUR DEPARTMENTS (the Hon'ble Khan Bahadur M. Abdul Karim):** (*a*) The prices of some of the more important necessaries of life, e.g., rice and coarse cotton cloth have in fact been falling, that of wheat has remained constant. The composite price index as worked out in the office of the Chief Controller of Prices stood at 122, i.e., showing an increase of 22 per cent. only on the pre-war prices.

(*b*) Wheat and wheat products, coke, salt, dal, mustard oil, coconut oil, ghee, spices, kerosene, matches, medicines and medical supplies, paper and bricks have already been brought under control. Their prices are regulated from time to time so as not to interrupt the flow of supplies. In several cases the prices are still within the maximum price fixed on the outbreak of war. Rice, coal, cotton yarn, coarse cotton cloth and sugar are some of the more important articles not yet under control. The question of fixing a price for rice on account of its numerous varieties and the inter-relationship of Bengal rice with Burma rice and the rice produced in other parts of India is a problem

which can be solved satisfactorily only by India. A certain measure of control on regional basis is however in contemplation. In sugar there has perhaps been some profiteering, but the initiative for action rests with the United Provinces and Bihar which are the principal producing centres. Coal, cotton yarn and cotton cloth present special difficulties and the Government of India are at present engaged in co-operation with the provinces in working out certain measures which, it is hoped, would afford at least temporary relief.

**Rai Bahadur KESHAB CHANDRA BANERJEE:** May I draw the attention of the Hon'ble Minister to the fact that coal is being sold now at the rate of Rs. 1-12 per maund?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** That is due to the fact that railway wagons are being principally used for the industrial and other purposes and not for domestic needs.

**Mr. HUMAYUN KABIR:** Will the Hon'ble Minister be pleased to state when this answer was prepared? Does it refer to present week or previous week?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** As far as I remember, it was prepared in the first week of this month.

**Khan Bahadur ATAUR RAHMAN:** Sir, the answer in part (*a*) says that the prices of rice and coarse cotton cloth have in fact been falling. But will the Hon'ble Minister be pleased to state why the price of a pair of *dhoti* which was Rs. 2-7 early in January last is now Rs. 3-12?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I have no information on the point.

**Khan Bahadur ATAUR RAHMAN:** Will the Hon'ble Minister kindly make an enquiry in the matter?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** The prices are so very fluctuating daily that it is impossible to give exactly the price with reference to any particular date.

**Rai Sahib JATINDRA MOHAN SEN:** Will the Hon'ble Minister be pleased to state what is the control then that the Government are exercising for keeping down the prices to a reasonable basis?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I hope the honourable member knows that the controlling of prices does not mean bringing down the price. It means that the price should keep a parity with the prevailing condition of the country.

**Rai Sahib JATINDRA MOHAN SEN:** Does it bear a reasonable proportion like other commodities in the province?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Yes. That is meant by control.

**Rai Sahib JATINDRA MOHAN SEN:** Is there really any relation between the prices of other commodities and the price of cotton goods which are now prevalent?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Yes, the officers of the Price Control Department are busy almost daily checking any abnormal rise.

**Khan Bahadur NAZIRUDDIN AHMAD:** In view of the importance of this subject will the Hon'ble Minister be pleased to make a statement and issue it to the press to allay the misgivings of the public?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Well, I have had a full report of the situation and I will consider the desirability of publishing that report. I also get weekly reports and fortnightly reports. How long, at what intervals, shall I go on publishing these reports?

**Mr. HUMAYUN KABIR:** I suggest every fortnight.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I will consider the desirability of giving publicity to these reports.

**Mr. HUMAYUN KABIR:** Will the Hon'ble Minister kindly examine the desirability of publishing these reports every fortnight?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I will consider that.

**Mr. LALIT CHANDRA DAS:** Inasmuch as the printed answer according to the Hon'ble Minister was prepared in the first week of February and it is now the last week of the month, will the Hon'ble Minister be pleased to make a further statement regarding the prices of these necessaries of life?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I desire to make a fortnightly statement on the floor of this House to remove all uneasiness about that matter: I mean about the question of price. I propose to do that fortnightly.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister kindly remember that the session may not continue so long?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Well, in that case, if you consider it necessary I may consider the suggestion and see if I can get the things published in the newspapers.

## Notices of amendments to Non-official Bills.

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** May I crave your indulgence, Sir, to give notice of three amendments with regard to three Bills, that I shall move at the current session of the Council to the motion for reference to a Select Committee of the Bengal Land Alienation Bill, 1940, by Khan Bahadur Saiyed Muazzamuddin Hosain, M.L.C., the amendment that the Bill be recirculated for the purpose of eliciting further opinion thereon by the 31st March, 1943; exactly the same amendment in respect of the Court Fees (Bengal Amendment) Bill, 1941, by Mr. Nur Ahmed, M.L.C., and the same (to circulate the Bill not recirculate as in the case of the other two amendments) in respect of the Bengal Emergency Rent Remission Bill, 1941, by Khan Bahadur Saiyed Muazzamuddin Hosain, M.L.C.?

**Rai Sahib JATINDRA MOHAN SEN:** Sir, may I rise on a point of privilege?

**Mr. PRESIDENT:** Yes, what is your point of privilege?

**Rai Sahib JATINDRA MOHAN SEN:** The privilege is this, Sir. We put in a number of questions for being answered during the last session but we find that not many but only one or two of them are being answered daily in this House during the present session. May we enquire, Sir, when the remaining questions would be answered and if they are going to be answered at all in this session?

**Mr. PRESIDENT:** Please write a letter to the Secretary and ascertain the facts and after that if necessary, raise this point. First write to the office to know when the answers are due and you would get a reply. The House will now take up consideration of the non-official resolutions.

## Non-official Resolutions.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** With regard to the first item, Sir, may I request that it might be allowed to stand over as the Hon'ble Dr. Syamaprasad Mookerjee is not able to attend the House to-day.

**Mr. PRESIDENT:** The first item on the Order Paper, namely, the partly discussed resolution which stands in the name of Khan Bahadur Saiyed Muazzamuddin Hosain is postponed till the next non-official day. The Khan Bahadur may now move the next resolution which also stands in his name.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Mr. President, Sir, I beg to move—

> That this Council is of opinion that industrial firms be started by the Government with young men trained by the Industrial Department and necessary money be secured for the purpose by floating shares with guaranteed dividend.

Sir, I think I need hardly say much to commend this resolution to the acceptance of the House, as I believe the whole House is in agreement with me that something for the industrial development of the country should be done without any unnecessary delay. So far, I should say, Sir, that we have been only shilly-shallying with the problem of industrial development. Our Department of Industries has been going on in its old and antiquated way and there have been no new schemes to give real impetus for the industrial regeneration of the country. Young men who have been trained by the department itself are seeking employment as clerks and otherwise in various firms and offices. Most of them do not take up the industries in which they have been trained for their avocation in life. Therefore, really this training becomes a waste to the country if it is not properly utilised for the purpose of industrialising the country. In order to give an impetus, a beginning may be made and my proposal is that with these young men who have been trained in these cottage industries and other small industries Government should start firms and make these firms successful and self-supporting. If necessary, money should be secured for the purpose by floating shares with guaranteed dividend, and eventually the shares may be re-sold to the employees on raising share capital by making small deductions from their pay. Our people are still very apprehensive about industries and so they are very unwilling to take up industries as their avocation in life. Government should do something to show that industries are paying in order that our young men may know that from industries they can make a living. Then, there is another factor. Though these men have got training, still they cannot start any firm because they have no money, no capital. Of course, I know that there is an Act called the Bengal State Aid to Industries Act. But that requires security and security cannot be furnished by people because of their poverty. And those who can afford to start firms are, as I have said, very apprehensive and do not want to take any risk. The industrial instinct has become dead and it

is the sacred duty of Government to infuse that spirit in them. I submit that the question of the bread problem of the young men of our province can only be solved by means of industrial development. I know there is that usual objection on the part of the Government that they cannot start business. But what I suggest here is that it is only for giving a sort of impetus to these trained young men that the Government should start these firms. This is the opportune moment when we can take up these schemes. The other day the Hon'ble the Finance Minister agreed with me that although the war is on us Government cannot relax industrial or agricultural development; on the contrary, they will rather intensify their efforts in developing agriculture and industries of the country. If that is the real attitude of Government, I think this very modest resolution of mine should be readily accepted by them.

I may tell you, Sir, that there are various schemes. I know that the Industry Department has been training young men in weaving; but many of the young men who are getting trained in weaving will not take to weaving as a profession. This is the time, Sir, when we want sufficient output from our weaving industry in order that in war time we may not be in difficulty for want of clothes. Therefore, I think that in every district, in every thana, there should be weaving centres and they should be started by young men under the direct control of Government,—not merely with the object of demonstrations, the *tamasha* of demonstrations, I may say, as is done now by demonstration weaving parties,—but as business concerns for showing our young men that weaving can give sufficient income to a young man if he will only take to it in right earnest. They should start factories and sell the manufactured articles and show that they can be run as business concerns by young men trained in that industry. Sir, there are other industries: the paper industry, for instance, upon which the Industries Department has been experimenting for some three or four years, for manufacturing paper out of water-hyacinth. It is a very good scheme and I know that it has materialised to a great extent. But this scheme of paper manufacture could not be given effect to fully because it could not compete with mill-made paper, which was very cheap at the time. But, Sir, at the present moment the price of mill-made paper has gone up, so this is a very opportune time when, if we begin to manufacture paper from water-hyacinth, we can make a good profit out of it. For a satisfactory solution of this paper difficulty, it is but meet and proper that Government should take up the scheme and start a paper industry in areas where water-hyacinth can be had without any price. There are other industries also—such as Chinaware, which is very much in demand. Its price has gone up so high that it will be of great profit to our young men if this industry too was taken up by them, and I know as a matter of fact that some young men were trained

in this art also. There is also the pottery industry. Small factories could be started in order to show how out of these factories sufficient profit can be made and, young men could earn their livelihood. In this connection, I have already said that in war time countries at war are forging ahead and are increasing their output of industry by 200, 300 or 400 per cent. But though we are face to face with war, we are doing nothing. Sir, should we not even make a modest beginning by giving effect to the resolution which I have just had the honour of moving. If you do not wish to do so, then we will think that your tall talks about the development of the country are all eye-wash and moonshine and that you do not mean what you talk. In this connection, I would make a special appeal to my friends opposite, specially the Congress party who have been crying themselves hoarse for the industrial development of the country and the industrialisation of the country, to show by their answer and action that they really want industrial development and that they do actually mean what they profess. An objection has been raised from the other side that Government cannot start a business but I have answered that objection already. Therefore, I hope that my humble resolution will be acceptable to the House and even to my friends of the European group, who should not object to it, because it will not in any way clash with their interests. These are only very small cottage industries which will not at all clash with their interests and I hope, therefore, that they will support the resolution which I have moved. With these words, I commend my resolution to the acceptance of the House.

**Mr. PRESIDENT:** Resolution moved: that this Council is of opinion that industrial firms be started by the Government with young men trained by the Industrial Department and necessary money be secured for the purpose by floating shares with guaranteed dividend.

**Mr. NUR AHMED:** Sir, I rise to support the resolution just moved by the honourable Leader of the Opposition. Sir, it is I think a matter in which there should be no difference of opinion. On going through the resolution I find that it is a very modest demand made with the object of bringing about economic improvement of the people of Bengal. It is admittedly a fact that Bengal is lagging behind in industrial enterprises: but this was not so before. Once it was foremost in this respect. From Bengal many useful articles used to be exported to far distant countries and Bengal used to supply many articles to the Far East Archipelagoes, Persia and other countries. This is war time and every province is taking advantage afforded by the war to develop their industries. Many of the imports which used to flood the Bengal markets have been closed for the time being and as a result of that prices have risen in case of many necessary articles.

Every year the Government of Bengal spend several lakhs of rupees on industrial development, that is, in maintaining technical schools, maintaining demonstration parties and sending them for the purposes of educating the people and giving necessary training to the young men for the development of small and cottage industries. Every year this allotment is repeated and spent, and what is the result of this expenditure? Does the province get full benefit of this expenditure or is the expenditure being wasted? Unless the young men who are trained get opportunity to undertake enterprises in the line in which they are taught, they cannot show their mettle and the province will not get the benefit of that sort of training. Here these trained young men have very little opportunity to learn business or to start business. Mostly these young men come from societies which are generally known as poor. Sometimes there is earnest desire on the part of these young men; but they cannot float any business even on a modest scale for want of funds. Every year several young men are trained in the various branches of soap-making. At present the price of soap has gone up and there is ample opportunity of developing the soap-making industry on a small scale. It requires small capital and can be very easily undertaken. Another industry about which the Government spend nearly a lakh of rupees every year is sericulture. Once this province was famous for its silk-supply but now, until recently, Japan used to supply about 80 per cent. of the silk requirements of Bengal. Sir, even that avenue has since been closed. As such this is the most suitable opportunity to develop that industry with men trained in the art of silk-making. Sir, there is another industry and that is the manufacture of salt. The price of salt has gone up. Sir, as a result of investigation made by two experts in Bengal it is evident that there is a larger, wider scope for the development of salt industry in Bengal. Of all the provinces in India Bengal is the only province which largely depends on imported salt. In the Punjab and other provinces, they are self-supporting in this respect. Sir, during the regime of the East India Company Bengal used to manufacture salt for its own consumption and even used to export to other provinces. I think this is the time particularly to develop that industry and to make every villager living on the sea-shore to undertake this job. It is necessary also from another point of view. The number of persons who are maintained by land, that is, the agriculturists has increased very considerably. According to the latest census of 1941, the percentage of persons living on agriculture has increased to 67·1 per cent., while the percentage of persons depending on industry is only 10 per cent. of Bengal's population and out of that only 3·2 per cent. are employed in the large-scale industries. Sir, this is a very sad commentary on the development of industries in Bengal. There is another industry which can also be developed very profitably and that is the fishery industry. Much was being said about the establishment of

a department for the development of this industry and for that purpose Rs. 87,000 has been provided in the current year's budget. Beyond advertising for an expert officer that we saw in the newspaper, up to this time nothing apparently has been done to develop that industry. I need not dilate on the importance of that industry. It will be sufficient to say that 80 per cent. of the population of Bengal live on fish and it is their principal food. Sir, there are also the other industries which the mover of this resolution mentioned, that is hand-made paper-making, etc. Once this was a very prosperous cottage industry, a home industry in Bengal. Even now we find in the remote parts of Chittagong that hand-made paper is being made: an experiment which shows that it can be developed very profitably in other parts of Bengal. Sir, there are many other industries which can be developed if only the State encourages. Of course, there are difficulties on the part of the Government in launching any big business enterprise. What do we find, Sir, in comparing our position with regard to industrial development in other countries? It is nothing but deplorable.

At the very beginning the Japanese Government not only started big industries such as shipping, mining and other big industries but also encouraged cottage industries. When these industries were sufficiently developed and became self-supporting they then handed over them to private firms and companies. The learned mover of the resolution had in mind this idea, I think. Let the Government first start firms and when they are sufficiently developed they may be given away to the very persons who develop these firms by working in them. This idea, I think, has been taken from the examples set by other countries. An advanced industrial country like America encourages industries in various ways. In this province, now that a responsible and autonomous Government has been functioning, I think, this is an opportune moment when such measures can be taken up for the encouragement of the industries. It is said that our income is only Rs. 45 per year and it is very necessary that that income should be increased and the standard of living made higher. Sir James Grigg who has recently been appointed a War Minister once stated in the Central Assembly that the income of an Indian is only Rs. 45 and income from industry is only Rs. 12. Sir, I think it is a matter on which every honourable member of this House will feel strongly and will support this resolution.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, this resolution can be divided into two important sections. The first branch is an expression of a desire that industrial firms should be started with young

men trained by the Government; the second branch deals with the supply of capital and a suggestion is made that shares should be floated by Government with guaranteed dividend. With regard to the starting of industries, there can be no difference of opinion and all sections within this House as well as outside would agree that industrial firms should be started and industries should be encouraged and things should be produced in this country, as far as possible. But, so far as the supply of capital is concerned, the position is different. We are living in very difficult and uncertain times. We are suffering from stringency of money. Most of our reforms await better days. As regards floating of shares, especially in Bengal, we have had very sad experiences. Guaranteeing dividend is a desperate undertaking on the part of anybody who knows that floating of shares in any case is a very risky business. The result of the proposed venture would be to indulge in speculations which Government is not well-fitted to undertake. If companies floated fail, then Government would have to pay unlimited dividends—to how many concerns nobody knows. There would be no limit to the number of industries which would be opened throughout the Province. There may be an unmanageable number of industries started throughout the Province and nobody would know what would be the extent of the financial liability which the Government would have to undertake in guaranteeing dividends. The Government will have to pay losses as well in order to pay dividends. The liability of the Government will be unknown and unlimited. From our experience in the past, we have seen that even experienced capitalists who can manage their own business well, have failed in many cases. Sir, these are extremely unpropitious times for starting any new business. We are in the midst of a war which is approaching nearer and nearer Bengal everyday: it will be difficult to find sufficient workers who would be able to stick to their stations if the war advances further towards our own doors. Then, with regard to the opportunities that the war has brought to us, I have certain suggestions to make. We know that Government want a large number of war technicians. Huge quantities of war materials are being produced; shell factories and various other mechanical factories have been started by the Government of India and young men by the thousands have been taken and are being taken in them and they are being trained for these industries. These war industries have absorbed all the young men available and yet the demand is not yet satisfied. During the war it would be far better, far more patriotic and much more safe to secure young men, both trained and untrained, to bend their energies towards producing war materials——

**Sir BIJOY PRASAD SINGH ROY:** How can untrained young men be taken on any business?

**Khan Bahadur NAZIRUDDIN AHMAD:** Government have undertaken to train them. Government have started various organisations at different centres which are training our young men for the various war industries and our young men should be diverted towards these industries, so that they may learn better production and have better acquaintance with modern methods. Even engines for aeroplanes and difficult machine parts are being manufactured in India. There are two hundred Bevin boys, Indian boys trained in England at great expense, and they have come back and are in charge of various industries here. In these circumstances, Sir, the present is a very proper time when our young men should be diverted in these directions. On the question of starting of any industrial enterprise by the Government, I think the best thing would be for private persons to come forward with the necessary amount of capital and management and Government should undertake to encourage them by giving subsidies and buying or marketing their products and so forth. If private persons are afraid, or unwilling or unable to manage these concerns on business lines, Government would be more unsuited to undertake the management of companies and industrial firms, specially in these unsettled times. It will be a most unsuitable time to think of starting industrial firms and things of that kind. I should therefore suggest that this scheme should wait till the end of the war. Nobody knows where he would be next month or even next week. The position of Rangoon is very uncertain and if Rangoon falls, Chittagong would be the next place which would be in immediate danger; and if Chittagong also succumbs, then Calcutta will be in imminent danger. In these circumstances, we have got to think of more urgent defence matters than of constructive things like industrial firms, etc. I would therefore suggest that the mover be pleased to withdraw his resolution for the time being and when better times come, if they come at all, and if we are allowed to see each other here again after the war, I would ask my honourable friend to raise this question again. Then certainly it will be the duty of Government as of every honourable member of this House to give more attention to this matter.

**Mr. HUMAYUN KABIR:** Mr. President, Sir, I confess that I am in complete agreement with the intention underlying the resolution, but the particular form in which it has been framed presents to my mind certain difficulties. If the honourable mover can resolve some of these difficulties, I am sure that members on both sides of the House will accept the resolution which has been sponsored by him.

My honourable friend who just now sat down has pointed out that this resolution contemplates that industrial business should be started by the Government. But it is not clear whether these businesses are only to be run and administered by Government or owned by Government as well.

Then, in another part of the resolution it is suggested that the capital for this should be secured by floating shares with a guaranteed dividend. Some of the difficulties in the way of doing so have been pointed out by the honourable member who just now sat down. If the money is secured by floating shares, presumably these shareholders and dividend-holders would be the real owners of the concern. In that case, what would be the function of the Government? Their function would not be that of administrator, for the trained men would run the show and the only part the Government could play would be to guarantee the dividends. That, Sir, is an anomalous position. There are, of course, certain big industries where Government not only *can* but *ought* to interfere and administer the business. But I have grave doubts if industries of the kind which the honourable mover of the resolution and his supporters have in view could be administered by Government.

My honourable friend Mr. Nur Ahmed referred to the soap industry, the salt industry and certain other industries which he said could be started by Government. But these are all small industries. If we keep in mind the kind of instruction given to students by the Industries Department it becomes apparent that such students can be employed only for small items of manufacture. The Industries Department trains students in umbrella-making, button-making and other sundry items. I have grave doubts, however, if Government can interfere with or effectively control small industries like that. I am of the opinion that if Government are to take any part in the administration and control of any business enterprise, they can do so with only those large-scale industries which directly affect the fundamental, economic and other needs of the nation. That is why it is argued that the public utility concerns should be taken over by the Government. In many countries the public utility concerns are administered either by the Central or National Government; or in some cases under a system of delegated authority by municipalities and other local bodies. Therefore, it seems to me that the question of Government interference can arise only in the case of large-scale industries. For example, the Indian railways were built up with private capital, but the profit on the private capital was guaranteed by the State. It is for several reasons possible to guarantee dividends in such cases. It is almost certain that in large-scale railway concerns profits would accrue, as railways meet an essential need; people must travel from one place to another. Also, control is easy for the concern is large. On the other hand, Government cannot interfere in and control small industries—industries like soap-making and button-making and other items which are not as fundamentally necessary as means of communication or food or clothes. They are not exactly articles of luxury, but neither are they essential like the railway.

Similarly, production of food and clothes are essential. These are items in which Government might interfere for the sake of national welfare. I think a large proportion of the members of this House, if not the entire House, would agree that there should be Government control and administration in these enterprises. The big railway systems are being taken over by the Government of India, but in the case of small concerns it is impossible to do so. Even if it is Government's intention to control and administer such concerns, they have not the capacity to do so. In view of this, it is difficult, if not impossible, for the Government, as I have already said, to guarantee dividends, or, in other words, guarantee profits in the case of these small industries. What is likely to happen is this: there will be a large number of small-scale industries, a large number of small concerns of the type of cottage industries or perhaps slightly larger than cottage industries. They will not be properly checked or controlled but since Government have guaranteed dividends on the capital raised for these concerns, the public exchequer, that is, the people in general will have to pay for the business inefficiency and in some cases the dishonesty of the men who run the concerns. Who can guarantee that there will not be cases of corruption here and there? If a large number of small concerns are started, the possibilities of corruption will increase in proportion to the number of such concerns. There is after all even in business a sort of statistical average of honesty. If that holds in the case of large business and in larger spheres of human relationship, there is no reason why it should not hold in the small industries as well.

There is also this further question which I would request the honourable mover to consider. It is being examined in different countries of the world to-day how far industry should be decentralized and how far there should be centralization in particular areas. So far as button-making is concerned, it may be possible to decentralize, but not so with other industries. If these small industries are to be profitable, they would have to depend on electricity and the distribution of energy over a large area. The production of energy cannot be undertaken on a small scale or without a thorough planning. Therefore, Sir, the question of the relation of large-scale to small-scale industries will also have to be examined. My honourable friend will probably remember that three or four years ago, in one of the budget discussions, I suggested that there were certain fields in the sphere of industry where a government like the Bengal Government could successfully intervene. In the field of textiles, it seems to me that the Bengal Government can play a fruitful part; in the field of heavy chemicals and in the development of metallurgy, the Bengal Government might play a very important part. But in the case of small-scale industries which will be run by people who are trained, or sometimes

mis-trained, it seems to me very difficult to visualise a scheme which should enable the Government to guarantee a dividend on the share capital which may be raised. If my honourable friend will present a scheme, a clearer picture of how exactly he visualizes the whole thing, how exactly these small-scale industries are to be fitted into the general economic life of the province, at what points Government are to exercise control, then and then alone can we consider his proposition with the seriousness that it deserves. Otherwise, a pious resolution would be a mere waste of breath. In one part of his speech, the mover said that the men who will be working in these firms will be paid wages, and a part of their salaries may be deducted in order to pay for the capital and to ensure the dividends. That will again, I think, place us in an anomalous position. To suggest that the wages of operatives in a concern should be cut in order to guarantee dividends to the shareholders is a position which private capitalists may welcome but which, I am sure, the State can never for a moment conceive and certainly not accept. These are aspects which should be carefully examined. I, therefore, hope that the honourable mover will present to us a more clear scheme, a more definite scheme with a clear view of the inter-relationship between different items, if he wants us to accept this resolution which he has presented to-day.

**Mr. J. B. ROSS:** Mr. President, Sir, in order that my party might not be misunderstood by taking no part in this debate I wish to make it clear that we oppose this resolution, as drafted, on the ground that it is thoroughly impracticable. No business concern sponsored by Government, managed by Government and looked after by Government could possibly hope to compete with private enterprise, particularly when it has attached to it a liability for guaranteed dividends.

I have only one question which I would like to ask the honourable mover, and by this time he will have gathered that I have not very high opinion of the business acumen of Government. If the industrial concerns which he has in mind eventually fail, as they are bound to do under Government management—and the whole of their plant and equipment is distrained for debt, the capital being lost, how then is the Government going to continue to pay guaranteed dividends?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** Sir, the subject-matter of the resolution is of very great importance. I do not lack in my sympathies with the honourable the Leader of the Opposition in the underlying desire which runs in the first part of his resolution. But my difficulty, Sir, is this that in the position in which we have been placed here this afternoon, we are concerned not with the underlying desires or with the sincerity of views but we are concerned with what may be called a rational interpretation of the

intention of the Legislature. And, Sir, what is the wording of the resolution? My honourable friend the Leader of the Opposition states: that this Council is of opinion that industrial firms be started by the Government with young men trained by the Industrial Department and necessary money be secured for the purpose by floating shares with guaranteed dividend. My honourable friend Khan Bahadur Nazifuddin Ahmad, from the point of view of a lawyer, has analysed the resolution into two parts. May I, from the point of view not of a lawyer but of a member of the Legislature, try to effect a post-mortem examination in the matter of vivisection?

This resolution is capable of division into a number of parts. First of all, my honourable friend does not define what are industrial firms. Does he refer to heavy industries or does he refer to cottage industries? That point should be made clear. Is he sticking to the definition of the statute—the definition given in the Bengal State Aid to Industries Act—or is he not? I assume from the speech of my honourable friend to which I listened with great care and attention that he was obviously referring to certain cottage industries and certain other industries which are cognate in nature to those cottage industries. My friend has great confidence in Government supervision. In his resolution he says that these firms should be started by the Government with young men trained by the industrial department. Why should my honourable friend leave out of account other men perhaps not young but still pulsating with the vigour of life like many of us in this Chamber? Why they should be excluded only because they have not been trained by the industrial department of the Government? Then, Sir, as usual, the sting is in the tail. My honourable friend says that necessary capital shall be secured for the purpose by floating shares with guaranteed dividend. In his admirable speech before this House my honourable friend slightly strayed away from the proposal which he has advanced, namely, the principle of co-operative activities. He has said that these young men, if they are employed, would morally contribute their share to the capital to be raised and in that case Government will be in a position to guarantee them a dividend.

Without raising the very controversial issue raised by my friend Mr. Humayun Kabir or by Mr. Ross as to whether private enterprise is good or Government enterprise is bad, or raising the question as to whether Government is in a position to control, manage and execute the policy of those multifarious firms which will be dotted all over the province like so many oases in the desert, I can say definitely that no Government can possibly give a guarantee, no Government can give a guarantee against inefficiency, against dishonesty and against incompetence. Sir, it is not quite true or accurate to assume that Government had done nothing in the matter of encouraging small cottage industries. The Bengal State Aid to Industries Act still

adorns the statute book and if efforts have not been made commensurate with the laudable objects of the Act, then the lack of such efforts must be attributed to a variety of factors—lack of imagination on the part of those who administer the Act, lack of that psychological phenomenon which my honourable friend has described as industrial-mindedness, lack of capital, lack of enterprise on the part of young men, and the all-absorbing and predominant faith of the present-day youths of this country, whether Hindu or Moslem, that salvation lies only in Government Service. Mr. President, the point raised by my honourable friend Mr. Humayun Kabir and my friend Mr. Nur Ahmed are points which are being scrutinised and reviewed by a Committee appointed by Government known as the Industrial Survey Committee. Sir, I am fully aware that Commissions and Committees in every country in this world, where you have zeal and impatience on the part of well-intentioned patriots, are regarded as sins of omission and sins of commission. The establishment of these bodies is supposed to be primordial in all cases. But, Sir, in a matter like this, it is impossible by virtue of a resolution in this august assembly, to enforce the rational intention of the mover of this resolution. Mr. President, Sir, so far as the Province of Bengal is concerned, it tried to regulate private enterprise in two matters. One was in connection with the training scheme for detenus and the other was with reference to the relief-of-unemployment scheme. Whether these two schemes have been a success or failure, it is not for me to say but some future historian will certainly write in characters of amber and of gold that these two schemes have failed not because of the intentions of its framers, not because of the activities of the executors of the scheme, but because those schemes could not possibly correspond with the psychology of those for whose benefit they were brought into operation. Mr. President, Sir, I have not very many words to say. So far as the Government is concerned, Government shares the views of the honourable the Leader of the Opposition that some form of economic planning should be undertaken in the province—some form of relief should be granted to our unemployed young men who have been trained in the various branches of the industry of the province. It is further of opinion that, if necessary, Government should spend money for the purpose of setting these young men on the road towards industrialisation of the country. Beyond those objects no Government can possibly go. My friend the Leader of the Opposition referred to the shortcomings of the Industries Department of the Government. Shortcomings of the Industries Department of any Government of the world are inevitable. Then, Sir, my honourable friend Mr. Ross pointed out to us with his vast experience in business concerns that he did not feel very much assured about the business acumen of Government. Now, Sir, many persons of eminence in business and industrial life not only in this province, not only in India, but also elsewhere, have not been satisfied with the

business acumen of their respective Governments. I agree entirely with the Leader of the Opposition that the poverty of our trained young men stands in the way of, what he characterises as, industrial-mindedness and much attempt will have to be made to improve their condition. One of the attempts made in this direction is publicity and propaganda. The value of publicity and propaganda in the twentieth century politics as a factor is well-known to all the members of the Legislature and it is not quite correct when Mr. Nur Ahmed says that these demonstration parties are in the nature of *tamashas*. There are so many *tamashas* in this world that we might almost say that life itself is one of such *tamashas*. If directed in the proper channel and if made to conform to the needs of the nation, that *tamasha* will some day yield such valuable results as would adorn life of the whole nation.

Then, Sir, my honourable friend referred to certain industries and quite rightly pointed out that although we are living now in abnormal times, yet we cannot afford to neglect Indian industries. With that proposition every Indian must be in hearty accord. My honourable friend Mr. Nur Ahmed spoke about industries such as soap-making, sericulture, salt and other small industries. Of these industries, I felt doubt in my mind as to whether or not Mr. Nur Ahmed was interpreting the resolution of my honourable friend the Leader of the Opposition in the manner in which I started interpreting, namely, was it cottage industry or was it large-scale industry also or was it heavy industries or was it the combination of all the three that my honourable friend the Leader of the Opposition had in view. Sir, I have heard with regret and it is common knowledge that the income per capita of an Indian is perhaps the lowest in the world and everybody, whether in Government or outside, every true well-wisher of his country and every man and woman who calls himself or herself a patriot, is bound to tackle the problem in his or her own way as to how to increase the income *per capita*. Sir, my honourable friend Mr. Humayun Kabir's legal difficulties about the ownership of the fund to be raised or about the administration of the fund, do not probably come into the picture so far as this particular resolution is concerned. It is perfectly true that Government at this stage are unable to accept this resolution not because of its lack of sympathy with the underlying desire of the honourable the mover but because in the words of my honourable friend Mr. Humayun Kabir, Government would like to have not a blurred picture but a clear picture in front of it.

**Sir BIJOY PRASAD SINGH ROY:** May I say a few words, on this resolution, Sir? I have listened with very great interest to the eloquent reply of the Hon'ble Minister in charge of the Revenue Department. As he is deputising for another Minister, I do not want to criticise him for lack of knowledge about the details of the department

with which this resolution is concerned. Sir, I cannot congratulate the Hon'ble Minister on his eloquent reply in spite of all the sarcastic vehemence which he has displayed over this resolution. He and his party are supposed to be progressive and he himself is a member of the Forward Bloc but the reply to which we had just the privilege of listening could very well be put into the mouth of a brown bureaucrat.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** On a point of order, Sir. My friend Sir Bijoy is not right, Sir, in saying that the Hon'ble Minister is a member of the Forward Bloc.

**Sir BIJOY PRASAD SINGH ROY:** If he is not a member of the Forward Bloc of which Mr. Sarat Chandra Bose is the leader, and if he is prepared to disown his leader or disown the party, I shall welcome that.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Sir Bijoy is again mistaken, thoroughly mistaken. He ought to have accepted my explanation. Mr. Sarat Chandra Bose was not the leader of the Forward Bloc Party in the Bengal Legislative Assembly. There is no such Party in the Assembly.

**Sir BIJOY PRASAD SINGH ROY:** That is a difference between Tweedledum and Tweedledee of which I was not aware. I am prepared to accept his version, if that will satisfy my honourable friend.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** That will satisfy the requirements of truth.

**Sir BIJOY PRASAD SINGH ROY:** As regards the resolution itself, my submission is that Government should accept the resolution, I mean the spirit of the resolution, and should not go by its letter. What is the proposal contained in the resolution, Sir? The proposal is that Government should start industry and try to give training to young men in those industries and should float capital and if possible guarantee dividend. I know that there are obvious difficulties in the way but the spirit of this resolution is, I believe, something which should be acceptable to Government. There was the well-known Japanese firm of Mitsuibusan Kaisha. A large percentage of the shares of that firm, I believe, really belonged to the Government of Japan. Similarly, in Germany there are firms a large percentage of whose shares are owned by the Government of Germany. The Hon'ble Minister should try to emulate the example of those countries and try to start industries here taking responsibility on Government and should give opportunities

to the young men of this country to get commercial training. That is the spirit underlying this resolution and the Hon'ble Minister should not have replied in that sarcastic way and should not have tried to turn it down. It is a very modest, a very straightforward and a very sincere proposal.

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** Was it sarcastic to the past Revenue Minister?

**Sir BIJOY PRASAD SINGH ROY:** I cannot understand, Sir, why the Hon'ble Minister should interrupt me. I did not interrupt him when he was speaking. But as it is a popular Government and especially as it is a forward—I won't say Forward Bloc—and progressive Government,—a coalition of the two, this reply coming from the Hon'ble Minister is certainly very unsuitable and very disappointing.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I rise to reply to the various queries that have been put in the course of the debate. I shall first reply to the points raised by Khan Bahadur Naziruddin Ahmad. He says that the Government cannot go in for speculation. I should first explain what I had in mind in moving this resolution. It appears to me that the honourable members taking part in this debate have not fully understood my resolution. My idea is that the Government should float shares with guaranteed dividends, just as they do in the case of Railways. Government will start the factories which will be run by these young men whom the Government has given necessary training. They will be supervised, controlled and managed by Government. In fact, everything will be done by Government so that Government may be sure that the money is not wasted and there is no loss. My friend Mr. Ross has said that he has no faith in the business acumen of Government. But I submit, Sir, Government could secure for the business men of reputation and ability. By paying money Government could certainly get such men. We want that Government should do something. Mere tall talking will not do. We have been hearing tall talks for the last 20 years, but nothing has been done to industrialise the country. In fact, the Government do not keep any information. They did not even know that there is one place in Tippera which is the Manchester of Bengal where the textile industry has reached perfection so to say. It was I who brought that to the notice of Government four years ago, after which Industrial Weaving Survey was made throughout the province. At that time they came to know of it. The Government could do a lot but they won't do anything. People will not excuse the Government if they do not do anything. It is an autonomous Government and the representatives of the people are in the Government. The people cannot be hoodwinked by speeches. For 150 years

the country was under the bureaucratic form of Government. Does Provincial autonomy mean that brown bureaucracy has taken the place of white bureaucracy?

**Mr. J. B. ROSS:** On a point of information, Sir. Is the honourable member as old as 150 years?

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** I have read history. It is not necessary that a person should be 150 years old to know things of that time.

However, Sir, as I was saying a moment ago, it is not a question of speculation. The Sara-Serajganj Railway, the Mymensingh-Bhairab Bazar Railway—these are being run by Government and the capital has been raised by floating guaranteed dividends. I know it for a fact and most of the honourable members here also know that for a fact. If the Government have not got sufficient efficient men, let them appoint able and expert men who can conduct all these firms; but let them appoint only such men who can run the show, and who could do business. You are only training men but you are not giving them training in business, so that in the end the original training is wasted. That is what I mean. You are giving training to certain young men in certain industries but you are not putting them up in business to show whether they can make a success of it. Don't leave them with the preliminary training; also give them the business training so that in after-life by following that avocation they can earn their livelihood. Is the Government prepared to do so or not? Let them say so; if they are not so prepared, I shall be quite content with the reply. Sir, my honourable friend has referred to gun factories, ammunitions factories etc., which have recently been started but those things will disappear as soon as the war is over. That does not solve the question of giving an impetus to industries. I want an impetus to be given to the industries in all articles of manufacture which this country requires. Japan is now out of sight—Japan which had flooded our markets with her articles. So, now is the opportune moment when we can manufacture the articles which she used to export here. (Mr. SHRISH CHANDRA CHAKRAVERTI: No, no. Japan is very much in sight.) Then, Sir, it is said that it is war time and we cannot think of industrialising the country. But my honourable friend the Finance Minister only the other day admitted, when I pointed out to him that other countries had doubled and trebled their industrial output, that we too should do our best in this line. If that is admitted, Sir, we may at best start with small minor industries which will not cost much and Government can certainly show their good-will that they really want to pave the way to the industrialisation of the country, by making our young men industrial-minded, as I call

it. That is what I want and that is what my resolution wants to point out. As regards Mr. Humayun Kabir who wants to proceed with big industries and not with small industries, I may say that if I spoke of big industries, then I am sure it would be at once turned down on the plea that Government cannot take up at the very beginning heavy industries. That is why I wanted that we might begin with small industries in which training may be given; and one of them that I have in mind is the textile industry which is very important for war purposes. Government has been training our men in the textile industry but what I mean to say is that after learning the elementary processes, these young men do not take to the textile industry as a vocation. Sir, why should we not have hundreds and thousands of *Baburhats* as centres of textile industry. Sir, you will be surprised to hear perhaps that many of us and even Government themselves do not know where Baburhat is. On account of distress and famine in my part of the district I was trying the other day to purchase some cheap cloths to distribute them to the needy and poor. One of my honourable friends in this House also very kindly placed some amount of money at my disposal for distribution and after searching the whole city of Calcutta nowhere could I get even rejected cloths at less than one rupee two annas or four annas a piece, whereas when I sent to Baburhat I got cloths for thirteen annas a piece and I bought them for distribution among the poor. It is not known perhaps to the Government that there is a place like Baburhat where the weaving industry has developed so much, and I wish that such industry could be started in other places also.

**Rai Bahadur KESHAB CHANDRA BANERJEE:** Baburhat is in the Dacca district, not in the Tippera district.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** I am sorry, Sir, it may be so; but it touches the Tippera district in any case: it is within the Raipur thana. Sir, the Hon'ble Minister has complained that industry has not been defined. I have already expressed what I mean—I mean small industries to begin with, and in which the preliminary training has been given to young men. The Hon'ble Minister also asked why I restricted my resolution to Government-trained young men and did not propose to open it to others. I say that because Government has been giving some men training and as they are readily available, let them be started on business; and in the meantime others may be trained; there is no harm. But do please make a start. The provision about contribution was not part of my resolution but it was mentioned only incidentally and my object was that if some factories started by Government had proved self-supporting, then Government could ask those employees to contribute a certain amount of their earnings and re-purchase the shares with which the industries were

started. There is no fear of clash with the previous owner. It is only re-purchasing and paying off the shareholders: that was my idea. Then, Sir, it has been said that Government cannot give guarantee. My reply to that is when Government give guarantee in the case of railways, why can they not give guarantee if they employ honest and efficient people whose integrity cannot be questioned? If they have business ability, why should the Government not be able to give guarantee? I think that would be the acid test of the officers of the Industries Department that they are really men of business ability.

Sir, I have nothing else to say. I have only to appeal to the members of the House every one of whom, I think, believes that the country must be industrially developed. If we have to live, we have to solve the problem of the industry of the country. My resolution wants to make a small beginning in that direction. I hope no one in this House will oppose this resolution. With these words, I commend my resolution to the acceptance of the House.

**Mr. PRESIDENT:** The question before the House is: that this Council is of opinion that industrial firms be started by the Government with young men trained by the Industrial Department and necessary money be secured for the purpose by floating shares with guaranteed dividend.

(The resolution was negatived.)

**Khan Bahadur ATAUR RAHMAN:** I beg to move: that this Council is of opinion that the Government of Bengal should take steps to reduce the administrative expenditure by amalgamating the duties of several officers moving about in the same area for different works and give effect to the recommendation of the Land Revenue Commission in paragraph 299 of its Report.

Sir, financially embarrassed as we are, particularly at this time, we ought to find out all avenues from which we can save our revenues for other useful purposes. Within the last few years, I have found that officers of Government are being multiplied in the various departments. If we look at the picture in the villages, what do we find? We find that on one day the Circle Officer goes there to inspect the union board office and reports to the Subdivisional Officer. Next day, the Subdivisional Officer goes to the same village to inspect the Debt Settlement Board. On the third day an officer of the same status goes to visit the co-operative society there and on the fourth day some other officer—probably the Inspector of Schools visits the village school. All this work can be performed, with some training, by one of the officers named; and if his headquarters is placed within an easy reach, he could more frequently visit that area and thereby be more in touch with the people. Sir, this view of mine is well supported by the Land

Revenue Commission and if you will permit me, Sir, I may only read the last part of the paragraph referred to in my resolution. "The question of strengthening and training the supervising staff raises the wider question of inspection in the mufassil. In nearly every thana there are at present several Government officials belonging to different departments, each of whom moves over the same area, carrying out different duties. We suggest that Government might consider the desirability of training these officers in all branches of work. We believe that this proposal is practicable, and that it would result in greater efficiency of inspection and give greater authority to each of the officers, because the area under his control would consist of only three or four unions, and he would be in sole charge of all branches of work." If you ask, Sir, a Co-operative Inspector who had been to a particular area as to what his idea was about the rainfall there and the progress of cultivation he would reply that he had been there only on co-operative work and that he did not know anything else happening there. Such is the case with other officers belonging to other branches of service. They go there with a particular object, see certain things and come back. My idea is that if a particular officer is put in sole charge of all branches of work in a particular area including the so-called Nation-building works as well as General Administration, he will be in closest touch with the people of the locality and the people there will consider him as their own man and lay their grievances before him and thus he can be of very great assistance to the people. Not only this, Sir. The question of saving unnecessary expenditure caused when different officers go to the same locality on different objects is also involved.

**Mr. PRESIDENT:** Resolution moved—

That this Council is of opinion that the Government of Bengal should take steps to reduce the administrative expenditure by amalgamating the duties of several officers moving about in the same area for different works and give effect to the recommendations of the Land Revenue Commission in paragraph 299 of its report.

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** Mr. President, Sir, I am again placed in a position of difficulty. This time, Sir, I do not propose to be eloquent because my honourable friend Sir Bijoy Prasad Singh Roy after the solid contribution he made to this afternoon's debate has just passed out of this Chamber. Sir, it is true that on page 160, the Land Revenue Commission of Bengal gave their opinion about the main point raised by my friend the honourable Khan Bahadur Ataur Rahman in his resolution. Sir, on page 159, section 299, the Commission was considering the question of the reorganization of the Co-operative Department. If my honourable

friend will please look at the opening lines on page 159, he will see the observations of the Commission were to this effect "We recognise that the reorganisation of the Co-operative Department may take time, but we are in favour of as rapid an extension of the co-operative movement as is consistent with sound organisation and management". Then the Commission went on to discuss the question of the inspection and supervision of certain areas in the muffasil. Without being disrespectful to the eminent personnel of the Commission and without being disrespectful even to its observations which are *obiter dicta*, I can say, Sir, that this was not one of the main points of reference to the Land Revenue Commission. Yet as we are accustomed to treat the *obiter dicta* of the Judicial Committee of the Privy Council with the highest respect, the observations, even though *obiter dicta*, of the Floud Commission are entitled to the deepest consideration of any Government. But, Sir, the resolution of my honourable friend is to this effect.

"This Council is of opinion that the Government of Bengal should take steps to reduce the administrative expenditure by amalgamating the duties of several officers moving about in the same area for different works, etc." The language used by the Commission was "in nearly every thana". So once more the expression "area" requires, if not definition, then certainly circumscription. Then, Sir, they say that in this area, that is to say, in these thanas or subdivisions, the Circle Officers, Debt Conciliation Officers, Sub-Inspectors of Schools, Co-operative Inspectors and the Agricultural Officers, they move about, they discharge their respective duties and charge daily and travelling allowances. Of course, there is duplication of work there, I agree; but at the same time, my honourable friend will realise that the fundamental principle of administration in any advanced country of the world is not concentration but deconcentration of power and this subject was one of the items over which the barrage of fire was directed against the District Magistrates who were supposed to be in law the inheritors of unfilled renown of the Great Moghuls. I ask whether a Sub-Inspector of Schools, who is an educationist, can also discharge the functions of a Circle Officer. This reminds me of a story. Many years ago I had an occasion to visit a college in a locality which is not governed by the British system of Jurisprudence. The Principal of the college was also a General and a professor of that college did not come to college punctually that day. Now, irregularity is not necessarily one of the vices of a legislator and the Principal threatened to court-martial the professor and the professor took half an hour to convince the Principal that irregularity was not such an offence. Now, Sir, it is extremely difficult to discover an officer who possessess all the virtues so as to be able to carry on the duties of a Circle Officer, Debt Conciliation Officer, Inspector of Schools, Inspector of Co-operative Societies, and Agricultural Officer. But it may be quite possible

to realise the underlying principle of the resolution of my honourable friend by investigation. This investigation will be somewhat in the nature of the District Administration Committee and it might yield fruitful results. There is no doubt that there is some amount of wastage and the reason for this wastage is not human cupidity but administrative necessity and the reason for duplication is mainly historical. For instance, long after the system of inspection of schools came in vogue the Inspector of Co-operative Societies came into being. I hope that a District Administration Committee, if set up, will investigate this question thoroughly and Government will be in a position to do something in the matter. I would request my honourable friend to withdraw his resolution in view of this assurance that Government will certainly try and hold investigation not of a roving nature but an effective one and see that certain amount of economy consistent with efficiency may be effected in the administration of these areas.

**Khan Bahadur ATAUR RAHMAN:** Sir, I fully appreciate the views expressed by the Hon'ble Revenue Minister, but there is one point that I must make clear. When I cited the examples of the sub-inspector of schools and the inspector of co-operative societies, I did not mean that these two posts should be combined into one. I only suggested that these are things which should be considered by Government as a means of effecting economy. As, however, the Hon'ble Minister has promised that this matter should be considered by the District Administration Committee, I have no objection to withdraw my resolution. And I am very glad that the question of the reduction of the cost of the pay and travelling allowances of the various departments will be taken into consideration. If they do so, then, Sir, I am quite sure that they will be able to find out some way of bringing down the administrative cost.

**Mr. PRESIDENT:** Is it the pleasure of the House to permit the Khan Bahadur to withdraw his resolution?

(The resolution was then, by leave of the House, withdrawn.)

**Mr. AMULYA DHONE ROY:** Sir, I beg to move that this Council is of opinion that the Government of Bengal do immediately take all possible steps to secure the release of Mr. Sarat Chandra Bose now in detention in the Trichinopoly Central Jail.

Sir, since I gave notice of this resolution the Hon'ble Ministers have made some statements before the House. But from what I noticed on the day of the arrest of Mr. Sarat Chandra Bose at his residence in Calcutta, I do not expect much from the present Ministry. At the time of the arrest of Mr. Bose I painfully witnessed the spectacle of

Hon'ble Ministers enjoying impotent power and position within the framework of the constitution envisaged by the Government of India Act, 1935. Sir, I want to know in most clear terms and I hope the Hon'ble Ministers will satisfy us as to what attempts they have made up till now and what attempts they intend to make in future to secure the release of our beloved leader Mr. Sarat Chandra Bose. We cannot surely agree with the opinions which the authorities in Delhi have expressed with regard to the detention of Mr. Sarat Chandra Bose. The authorities in Delhi are of opinion that Mr. Sarat Chandra Bose had contact with our enemy, the Japanese. Sir, we know Mr. Sarat Chandra Bose. He was our source of inspiration and source of all our achievements. No one would at all believe that Mr. Sarat Chandra Bose had any contact with the Japanese so long as the Government in Delhi come forward to place him before a court of justice for trial. Everybody knows as well as we do that the life of Mr. Sarat Chandra Bose is a life of suffering and sacrifice. After two hundred years of British rule in this country a man in the position of Mr. Sarat Chandra Bose cannot be expected to hand over this country to the domination of another foreign nation. Therefore, unless and until Mr. Bose is tried in an open court, the public at least of this country will never believe and never put any faith in the utterances of the authorities in Delhi. However, what I want to know, Sir, is this: what the Ministry has got to say; what attempts it has hitherto made and what it intends to do in this matter. Had the situation been normal, I think the Ministry would not be where it is at present because one by one the Government of India are turning down the representations of the Bengal Government, knowing full well that the present Ministry is in some awkward position. Therefore, I ask them to make all possible attempts to secure the release of Mr. Sarat Chandra Bose.

With these words, Sir, I move and commend my resolution to the acceptance of the House.

**Mr. PRESIDENT:** Resolution moved: that this Council is of opinion that the Government of Bengal do immediately take all possible steps to secure the release of Mr. Sarat Chandra Bose now in detention in the Trichinopally Central Jail.

**Mr. SHRISH CHANDRA CHAKRAVERTI:** Sir, I wholeheartedly support the resolution moved by my honourable friend Mr. Amulyadhone Roy. The arrest of Mr. Sarat Chandra Bose is very unfortunate at a time when he was attempting to do something for the benefit of the people of Bengal by bringing about communal harmony. He was arrested at a time by the authorities when his presence was needed most and rightly therefore there is a good deal of suspicion in this matter. If Mr. Sarat Chandra Bose is accused of an offence which

places him in the category of a fifth columnist, it is fair and proper that the Government should try him in an open court, as has been done in England and America. The Broklyn case of America was tried in an open court and the accused were brought to book. But in this case a policy seems to be adopted by the Central Government persistently which conveys the idea that they are bent upon putting down all Indians with progressive views and national sentiments. I know of course that in this matter our present Ministers are not in a position to act directly and they made a statement to that effect also. It is known, Sir, that the Hon'ble Mr. P. N. Banerjee had been to Delhi to speak about Mr. Bose to the Hon'ble Home Member of the Government of India. So we shall be glad if he reveals what has transpired in that interview and what has been done for the release of Mr. Sarat Chandra Bose. I hope specially the two Hon'ble Ministers Mr. Santosh Kumar Basu and Mr. Pramatha Nath Banerjee will not leave any stone unturned to secure the release of Mr. Sarat Chandra Bose.

**Mr. J. B. ROSS:** Mr. President, Sir, I rise to oppose the resolution now before the House, not because I have any animus against Mr. Sarat Chandra Bose. Although he is my political opponent, I have always admired the manner in which on every occasion when he stood up to speak, not in this House but in another place, he has made his cause succinct and clear. Therefore, it is not because of any personal animus that I oppose this resolution, nor because of Mr. Bose's politics. It may be said that Mr. Bose is a prominent citizen of Bengal and of Calcutta and an outstanding member of the Bengal Legislature: with all that I quite agree. But in abnormal times such as the present, Government have to arm themselves with abnormal powers and they have to use those powers unflinchingly irrespective of personalities, if they find it necessary to do so. It is not only in India that this sort of thing has happened. It has happened also in England since the beginning of this war and many prominent citizens of the British Isles have been put under surveillance or kept under observation or their liberties have been restricted, because they have been suspected of subversive activities. Now, Mr. Bose was arrested by the order of the Government of India,—the arrest having nothing to do with this Government at all—and he was arrested on the ground that that Government was satisfied that there had been such contacts between him and the Japanese as to necessitate his apprehension. Now, I am not giving that as my opinion; that is the gist of the communique which was issued by the Government of India on the 12th of December, I believe; and if the Government of India in its wisdom and with its powers of obtaining knowledge were satisfied that these contacts existed, I am afraid that until we get more information we have got to accept that position. It may not be in the public interest that Government should show their hand further in the meantime.

In view of that statement we cannot support this resolution. It is to be remembered that Bengal is in immediate danger of attack from the Japanese and in view of this it appears to us that no responsible Government should urge the release of Mr. Bose unless and until it is satisfied that there are no grounds for the charge against him of contact with the enemy. We have had the spectacle of the Hon'ble Mr. Santosh Kumar Basu rushing down to Trichinopoly; we have had the spectacle of the Hon'ble Mr. Pramatha Nath Banerjee rushing up to Delhi and we understand that the Hon'ble Mr. Fazlul Huq in regard to this matter has been running round in little circle and uttering assurances in vague generalities. We understand, however, that not as a Government, not as a Ministry certain members of the Government, certain Ministers in the Cabinet have made enquiries with regard to the grounds on which Mr. Bose's detention has been based. If they have any information which would enable us to support this resolution, I should be very glad if they would place it before the House, because my party does not want to see a man unjustly incarcerated. In view, however, of the Government of India's statement that they are satisfied that there have been those contacts, we have no option, in the absence of any other authoritative statement, than strongly to oppose this resolution.

**Mr. LALIT CHANDRA DAS:** Mr. President, Sir, I rise to support the resolution which has been moved by my friend Mr. Amulyadhone Roy. Sir, in course of his speech the honourable Mr. Ross has opposed this resolution on grounds which are not in my view at all satisfactory. Sir, the word "contact" has been used in this connection —contact with the Japanese. In Calcutta there was a very important firm and I am sure honourable Mr. Ross must have had connection with the Japanese who were conducting that firm. Would contact of this nature be the cause for the arrest of Mr. Ross? Mr. Sarat Chandra Bose was a famous Counsel of the Calcutta High Court. Can it be a matter of surprise if Mr. Sarat Chandra Bose should have been engaged by any Japanese firm to conduct a case of that firm? "Contact" cannot reasonably be the ground for the arrest of a man of the position of Mr. Sarat Chandra Bose. Another argument that has been put forward by Mr. Ross is that the Government of India were satisfied as to the reason of Mr. Sarat Chandra Bose's arrest. I desire to enquire from Mr. Ross: was it the Government of India as a whole or was it only the decision of a particular Member of the Government of India? Many appointments have recently been made to the Viceroy's Executive Council. Was this case placed before all of them and decided by the majority views of the Executive Councillors of the Governor-General? Is it not a fact that a certain gentleman of the Government of India, the Home Member, was of the opinion that he should be arrested and so he was arrested? The Executive Council as

a whole was not consulted. Is it not so? Sir, the Defence of India Act has invested Government with drastic powers of arrest. It should, therefore, be used with utmost precaution and should not be used in the way it is being used. I submit, Sir, that the arrest of Mr. Bose has hampered the war effort and the release of Mr. Bose would be a thing which will go to enhance the war efforts in this province. Sir, I ask the Council to remember the fact that at a time when Mr. Bose was engaged with the question of the formation of the present Ministry, —the Ministry which pledged itself to intensification of war efforts,— Mr. Bose was arrested. I ask this Council to remember that Mr. Bose was an ardent champion of India's independence and so is it conceivable that he would invite another foreign power to come in and strangle our liberties? Is it not simply impossible? No responsible body like this House can accept the reasons adduced by Mr. Ross. I think Mr. Bose's case is a fit case for examination and it should be placed before an independent tribunal and that tribunal after taking into consideration the full facts of the case and giving an opportunity to Mr. Bose of being heard should decide whether he has rightly been arrested or not. I think there was something else in this matter. Mr. Bose is a highly respectable and honourable man and we do not for a moment believe that he has done anything which justified his arrest.

With these words, Sir, I support the resolution that has been moved by my friend Mr. Amulyadhone Roy.

**Mr. J. B. ROSS:** Sir, on a point of information, arising out of the point raised by my friend Mr. Lalit Chandra Das. I have a copy of the communique issued by the Government of India. Here it states: "The Government of India are satisfied with the reasons of his arrest."

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, I rise to support the resolution and the grounds of my support are these: that Mr. Sarat Chandra Bose has not been tried and has not been found guilty by a competent court of law. It would be natural for every normal citizen to presume Mr. Bose to be innocent till he is properly tried and found guilty. Then, Sir, we see nothing wrong in two honourable members of the Government running up and down the length and breadth of India to secure his release, and the reason is this: that the Government of Bengal is not responsible for and has not in its possession the evidence that has been collected which led to the order of Mr. Bose's detention. Not having the power to do anything effective in the matter, the ministry are justified in doing anything they can to secure the release of Mr. Bose who holds a unique position in Bengal; and the two Hon'ble Ministers concerned were not wrong in doing their best because they were actuated by considerations both of friendship as well

as of party connection. The Government of India not having disclosed the evidence or the charge against him in definite terms, and the Government of Bengal not having any clear responsibility in the matter, the two Ministers were perfectly free to decide their own course of action. I, therefore, do not find anything wrong in two Hon'ble Ministers doing their best to see what could be done under the circumstances. So far as the resolution is concerned, it very carefully mentions that this Council expresses its *opinion* that the Government of Bengal *should* take all steps to secure the release of Mr. Sarat Chandra Bose. It does not ask nor can it ask the House to do anything more; it is merely an expression of opinion and an implied request to the Government of India to review and thoroughly re-examine his case. Sir, it often happens that the evidence, on which such actions are taken, does not turn out to be substantially true or accurate. There is often a weak link or a loophole in the evidence. In view of the fact that Mr. Bose's release would at once increase the war effort in this Province, I think that the resolution should be supported by all sections of the House. The resolution is absolutely blameless, honest and straightforward and has the backing of a large volume of public opinion. With these words, I beg to support the resolution.

**Mr. PRESIDENT:** The Council stands adjourned till 2-45 p.m. on Tuesday, the 3rd March, 1942.

## Adjournment.

The Council then adjourned till 2-45 p.m. on Tuesday, the 3rd March, 1942.

## Members Absent.

Following members were absent from the meeting held on the 27th February, 1942:—

(1) Mr. Altaf Ali.
(2) Mr. Kader Baksh.
(3) Rai Bahadur M. N. Bose.
(4) Mr. N. C. Datta.
(5) Mrs. K. D'Rozario.
(6) Mr. K. K. Dutta.
(7) Khan Bahadur Alhaj Khwaja Mohd. Esmail.
(8) Mr. R. W. N. Ferguson.
(9) Mr. Mohamed Hossain.
(10) Alhaj Khan Bahadur Shaikh Mohd. Jan.
(11) Khan Bahadur Mohd. Asaf Khan.
(12) Maulana Mohd. Akram Khan.
(13) Mr. W. B. G. Laidlaw.
(14) Sir T. Lamb.
(15) Mr. J. McFarlane.
(16) Mr. Naresh Nath Mookerjee.
(17) Dr. R. K. Mookerjee.
(18) Mr. T. B. Nimmo.
(19) Mr. R. Pal Chowdhury.
(20) Khan Bahadur Kazi Abdur Rashid.
(21) Khan Bahadur M. Shamsuzzoha.

B. G. Press—1942-43—1330A—750.

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session—No. 10.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 3rd March, 1942, at 2-45 p.m., being the tenth day of the First Session, pursuant to section 62(*2*)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

## QUESTIONS AND ANSWERS

### Election to District Boards.

***53. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether Government is considering the resolution of the District Board Chairmen's Conference held at Darjeeling in October last, to the effect that the election of District Boards should be postponed till the termination of war?

(*b*) Do the Government propose to consult public opinion before coming to a decision on the point?

(*c*) Was not a similar resolution of Chittagong Municipality and District Board accepted by Government only a year ago?

(*d*) What has happened since then, for modification of Government views on the subject of election during war time?

**MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Santosh Kumar Basu):** (*a*) and (*b*) There was no such resolution but some Chairmen of District Boards at the Conference suggested that elections of local bodies should be postponed in order that no rancour or party feelings, which almost inevitably results in such elections, might arise and the assistance which was being given to war effort by the local bodies and their executives in various capacities might remain unimpeded. It has now been decided that there should not be any

*This question remained unanswered from the Third Session of 1941.

general postponement of the elections of local bodies and that each individual proposal for postponement of such elections should be considered on its merits.

(*c*) A resolution from the commissioners of the Chittagong Municipality was received but was not accepted. No such resolution was received from the District Board of Chittagong.

(*d*) In view of reply to clauses (*a*) and (*b*), the question does not arise.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** With reference to (*a*), will the Hon'ble Minister kindly state what would be the criterion for determining the merits?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** The criterion will depend upon each individual case.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister be pleased to state whether it will not mean disloyalty or loyalty to any party? I hope it will certainly not be according to loyalty or disloyalty to any party.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** I hope so.

**Grievances of the employees of the Bengal Government Press.**

**5. Mr. K. C. ROY CHOWDHURY:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) if it is a fact that the Press Employees' Association, Calcutta, submitted a memorial, signed by 400 employees of the Bengal Government Press, to the Finance Minister through the Superintendent, Bengal Government Press, regarding their grievances, on the 23rd January, 1942; and

(*b*) if the reply to part (*a*) is in the affirmative, if any actions have been taken or intended to be taken by the Government; if so, what are they; if not, why not?

**MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Dr. Syamaprasad Mookerjee):** (*a*) A letter from President, Press Employees' Association, dated the 15th January, 1942, together with an application, dated the 24th January, 1942, signed by 277 employees of the Bengal Government Press has been received through the Superintendent, Government Printing, Bengal.

(*b*) The matter is under examination.

**Mr. K. C. ROY CHOWDHURY:** Will the Hon'ble Minister be pleased to state when this examination will be completed.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** The matter has not yet come before me. It is perhaps being scrutinised by the office.

### Rural Public Health Units.

**Mr. BANKIM CHANDRA DATTA (on behalf of Mr. Ranajit Pal Chowdhury):** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state what conclusion Government has arrived at as regards the improvement of the rural public health units from the curative and preventive standpoint of the question?

(*b*) Will he be pleased to state what measures have been adopted by the Government for giving adequate medical help to the rural people, and for giving them facilities of having the assistance of trained *dais* or midwives and lady vaccinators?

(*c*) What steps has he taken for the establishment of maternity wards and clinics for examination of blood, stool, urine, sputum, etc.?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Steps have been taken to collect the information which is not yet ready.

### Union Boards of Jessore.

**8. Mr. K. C. ROY CHOWDHURY:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state the number and names of union boards in the district of Jessore, and the sums granted in 1941, to each of the union boards for the purpose of sanitary improvement?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** A statement furnishing the required information is laid in the Library.

### Malaria in Chandibarpur Union.

**9. Mr. K. C. ROY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if it is a fact that the people of villages under Chandibarpur Union Board, police-station Narail, district Jessore, have been suffering from epidemic attack of malaria, kala-azar and dysentery?

(*b*) Is it a fact that the death rate in the said Chandibarpur Union Board is very much higher than the birth rate?

(*c*) Is it a fact that the villagers of Sankarpur and other adjoining villages of the said union board sent to the Hon'ble Minister two memorials, one direct and the other through the Subdivisional Officer, Narail, each signed by about 300 villagers, on the 7th January, 1942, and August, 1941, respectively, praying relief in the form of a permanent charitable dispensary and other sanitary improvements in general?

(*d*) If the reply of parts (*a*) to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state if any actions have been taken or are intended to be taken by the Government in the matter? If so, what are they? If not, why not?

(*e*) Will the Hon'ble Minister please inform the House as to the present death rate and birth rate figures in the abovementioned union board? Will he further be pleased to supply the figures of death in 1941 in the union board from each of the diseases mentioned in part (*a*) above?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** (*a*) Yes.

(*b*) Death rate was slightly higher than the birth rate during 1941.

(*c*) No such memorial was received by the Subdivisional Officer, Narail. A memorial, dated the 7th January, 1942, addressed to me direct was received by me. The honourable member is referred to the answer given by me in the current session to clause (*a*) of question No. 6.

(*d*) The honourable member is referred to the answer given by me in the current session to clause (*b*) of question No. 6.

(*e*) Birth rate per 1,000 ... 24·5

Death rate per 1,000 ... 29·4

Number of deaths in 1941 from—

| | | |
|---|---|---|
| Malaria | ... | 135 |
| Kala-azar | ... | Nil |
| Dysentery | .. | 3 |

**Khan Sahib ABDUL HAMID CHOWDHURY:** Sir, we have just received a list of the questions which still remain unanswered. But there are several questions of mine pending from the last session which still remain unanswered and they do not find a place in this list which is before me.

**Mr. PRESIDENT:** This is the pending list for the current session. Office will prepare a list of the questions pending from the last session.

**Point of Information regarding Secret Session.**

**Sir BIJOY PRASAD SINGH ROY:** May I enquire, Sir, of the Hon'ble Minister in charge of Civil Defence what decision Government have arrived at with regard to my proposal to hold a secret session of the House for placing before it the measures adopted by Government for A.R.P. in Calcutta and in the suburbs of Calcutta?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Sir, so far as Government is concerned, it does not think that it will be necessary to have a secret session at all. We want to take the public into confidence and there is nothing which we want to conceal from them.

**Sir BIJOY PRASAD SINGH ROY:** If Government are of opinion that no secret session is necessary, then are Government prepared to place before the House all the details?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Well, Sir, that is for the honourable member to try and secure in the usual way.

**Sir BIJOY PRASAD SINGH ROY:** I hope the Hon'ble Minister will be more definite and communicative. I made it perfectly clear that what we wanted to know was what steps Government have taken hitherto and what steps they propose to take hereafter for A.R.P. in Calcutta and in the suburbs of Calcutta. Sir, I cannot express it more clearly than this.

**Mr. PRESIDENT:** The desire of the Opposition seems to be to have a special day fixed for discussion of A.R.P. measures, either at a secret session or at an open session. Is that the idea?

**Sir BIJOY PRASAD SINGH ROY:** Yes, Sir.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Well, Sir, so far as the materials and information are concerned, some attempt was made by me to explain the position, as fully as possible, during the general discussion on the budget in this House. If the honourable member now thinks that sufficient materials were not placed before the House, I shall be prepared to consider in consultation with my colleagues the suggestion made for the allotment of a special day for the purpose, if that is considered necessary. What I really meant by my previous answer was that if the honourable member so desires, there are ways available under the Rules of Business, namely, to put an appropriate question or to move an appropriate resolution, so that

the matter might be gone into in detail. If, on the other hand, it is the desire of the House that a special day should be fixed, I may inform that I am not empowered to allot it.

**Mr. LALIT CHANDRA DAS:** On a point of information, Sir. May I enquire from the Hon'ble Minister in charge of Civil Defence as to whether Chittagong, Noakhali, Chandpur and Comilla are included within the vulnerable zones? Sir, from the newspaper reports I understand that there are as many as 23 towns included within the vulnerable zones. If so, Sir, I would like to know whether definite schemes have been drawn up for civil defence for Chittagong, Noakhali, Chandpur and Comilla and also, Sir, what is the cost of such schemes, recurring as well as non-recurring?

**Mr. PRESIDENT:** Order, order. If the honourable member wants such information, he is to table a short-notice question. As a matter of fact, I remember he has tabled a short-notice question on this subject already. (Mr. LALIT CHANDRA DAS: Yes, Sir.) Then, he will get the answer in due time. The Hon'ble Minister cannot be expected to reply off-hand to such an important question.

**Mr. LALIT CHANDRA DAS:** It is exactly this, Sir, that I wanted to know from the Hon'ble Minister, namely, whether he is prepared to answer the short-notice question which I have already tabled. If I get some information on this point, Sir, that is sufficient for me for the present.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** I should be certainly willing to accommodate my honourable friend even in the matter of a short-notice question on the points he has in view, but I do not remember to have received any such.

**Sir BIJOY PRASAD SINGH ROY:** With reference to the reply given by the Hon'ble Minister in charge of Civil Defence, I think it is the general desire of this House, at least of this section of the House, that more details than were supplied by the Hon'ble Minister in course of his budget speech regarding A.R.P. should be placed before the House, and I understand that he promised to do so on the last occasion.

**Mr. PRESIDENT:** I understand that the Hon'ble Minister is prepared to consider that request if that be the unanimous desire of the House and the procedure in such a contingency is for the Leader of the Opposition and the other leaders to approach the Leader of the House to settle the matter amongst themselves by negotiation. But if it is a question of allotment of a day for this discussion, surely he cannot alone do it, without consulting his colleagues.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I am at one with Sir Bijoy that a special day should be allotted for discussion of the steps that have been taken not only in connection with Calcutta and its suburbs but also throughout Bengal, specially the rural areas, where prices of things like kerosene oil and soft coke have very much shot up. As regards date, I think Thursday next will be a suitable date for us.

**Mr. BANKIM CHANDRA DATTA:** Sir, I join Sir Bijoy and Khan Bahadur Saiyed Muazzamuddin Hosain in requesting that a day should be fixed for the discussion of control of prices regarding foodstuffs.

**Mr. LALIT CHANDRA DAS:** We agree.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Sir, I am glad that there is a striking unanimity on the question of further discussion on civil defence measures. I take it that the honourable members have begun to take a great deal of interest in A.R.P. matters and I hope there will be great repercussion of this attitude on their part in the way of recruitment for A.R.P. We feel encouraged to think that our efforts will be stimulated and there will be more recruits for manning the various A.R.P. services which are badly handicapped at the moment. The honourable members of this House have shown keen interest in this respect and I think they will come forward and lend their support, authority and influence to assist the Government in discharging their responsibility much more efficiently and quickly than has hitherto been possible.

As regards the fixing of a date for further discussion which is desired, Government will consider the suggestion made, with the utmost respect which is due to the members of this House.

**Mr. NUR AHMED:** Sir, with your permission, I want to mention one important thing. I have sent in a notice of a short-notice question. May I know——

**Mr. PRESIDENT:** Order, order. You have given notice of a short-notice question which will be answered in due course. If you want any information regarding that, you may refer to the office. It is irregular to mention about short-notice questions in the House before ascertaining from the office exact position as to whether the question has at all been accepted as a short-notice question by the Government.

**Motion for Adjournments.**

The Chair has received notice of an adjournment motion from Mr. K. C. Roy Chowdhury which runs as follows:—

That this Council do now adjourn to discuss a definite matter of urgent public importance, namely, the sudden inflation in the price of soft coke or fuel for cooking and the soring prices of food-stuffs and clothing.

**Mr. K. C. ROY CHOWDHURY:** Sir, may I have your permission to move the adjournment motion?

**Mr. PRESIDENT:** If Government is agreeable to answer any enquiry that you may make in this connection, will that satisfy you? Will it even then be necessary for you to move this adjournment motion?

**Mr. K. C. ROY CHOWDHURY:** Sir, I cannot but impress on this House that my motion is of a very very urgent nature. It is much more urgent than precaution for air-raid. Yesterday myself and Sir Bijoy happened to meet at a place where we fed several thousand poor people in a Sadhu's Ashram. I heard many of them complain that they could not purchase coal or any other fuel to cook their meals. They were using *chira* (parched rice), which they soaked in water and ate. The shortage of fuel and food-stuffs are forms of economic pressure which are just as cruel as the bombing of cities, since they strike at the very core of the life of the common people helping, directly or indirectly, in the defence of India at this zero hour of foreign invasion by production of war materials and supply of recruits for military purposes. That is how the matter has become so very urgent. I understand that the Hon'ble Minister has certain information regarding the position of wagons for transport of fuel and food-stuffs. I shall be glad if, after I have my say on this motion, he will supply us with the information in his possession on this matter.

**Mr. PRESIDENT:** What are the particular points that you would like to get information about?

**Mr. K. C. ROY CHOWDHURY:** I want to refer to two important matters. My grievance is that the department which controls the prices of food-stuffs has not functioned very satisfactorily so far. My next grievance is that the Ministry has not asserted itself as it should have done in regard to the securing of larger supplies of wagons for distribution of soft coke. I now want to place certain information in this connection before the House.

**Mr. PRESIDENT:** Order, order. The difficulty that the Chair feels is that notices of motions for adjournment, if pressed to a division, amount to a vote of censure on the Government. The honourable member belongs to the Coalition Party from which the present Ministry has been constituted. It is, therefore, that I suggested that instead of moving a motion for adjournment, he should be satisfied with a proper reply through questions. If he is not satisfied with the replies, then it may be his duty in a serious matter to consider if he is to move a motion for adjournment; in that case it would be proper for him to cross the floor of the House and take his seat with the Opposition. That procedure should ordinarily be adopted. It is from that stand-point that the honourable member has been permitted to raise a discussion in order to get adequate and proper replies.

**Sir BIJOY PRASAD SINGH ROY:** Sir, may I make a suggestion? I believe that Government have fixed the maximum prices of several articles but Government's responsibility does not rest there. It is their duty to see that those articles are available at the price fixed. Are the Government prepared to make a statement with regard to all those articles, so that the public may know which are the articles for which the maximum prices have been fixed and so that they may compare the prices for which those articles are actually available? If a statement to the above effect is made by the Hon'ble Minister, I think that will satisfy the House.

**Mr. K. C. ROY CHOWDHURY:** Sir, may I inform the Hon'ble Minister that although the Press Note gives the price of soft coke as one rupee four annas per maund, yet the price that is actually ruling in the market is one rupee fourteen annas? How would he explain this discrepancy?

**Mr. J. B. ROSS:** Why do the public pay this extra price?

**Mr. K. C. ROY CHOWDHURY:** Well, they have got to pay simply because they have got neither gas stove nor electric stove. They must have recourse to coal at any cost.

**Mr. PRESIDENT:** Let me suggest a procedure which may profitably be adopted by the House in similar matters which might obviate recourse to extraordinary procedure like motions for adjournment. If members who are supporters of the Ministry of the day want to discuss such matters, they should follow the procedure that is observed in the British House of Lords. There the procedure followed in similar circumstances consists in "moving for papers" relating to the matter on which a discussion is sought. On the motion a discussion follows but there is no voting. The Chair suggests that such a procedure may be found suitable here also.

**Mr. K. C. ROY CHOWDHURY:** If the Hon'ble Minister is pleased to make a statement on the subject, then it would meet the object we had in view in tabling this motion for adjournment.

**The Hon'ble Mr. M. ABDUL KARIM:** Sir, I have already made a statement only the other day in reply to a question of Mr. Lalit Chandra Das. I promised a fuller information at the time and as a matter of fact I have made considerable progress in my investigations into the whole affair. I am prepared to make a full statement on the floor of the House any time and any day that honourable members desire me to do so.

**Mr. SHRISH CHANDRA CHAKRAVERTI:** Why not now?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I desire to make that statement even now. The honourable members will please follow what I have got as a result of my investigation about coal.

The problem has been not so much of supply but of securing transport.

The raisings of coal in the principal coalfields of India—Jharia and Raniganj—have been more than maintained. There is no dearth of coal.

The price index of domestic coke remained normal up to 7th October, 1941, when the price rose from annas eight per maund to 12 annas 6 pies. It rose further to 14 annas per maund on 8th December last. Domestic coke was then brought under control and the price fixed at 15 annas a maund wholesale and Re. 1-1 retail on the parity prices then prevailing—Rs. 17 per ton at the Jharia coal-fields.

Most of the first class coal—and this is produced by about 15 per cent. of the collieries—is on contract to railways, naval requirements or other priority concerns such as public utility companies and for factories on war work whose stock is not allowed to fall short below a certain minimum number of days, 20 or less according to the distance from the collieries. The contract rate of Rs. 5-12 per ton is hardly above the pre-war. Eighty per cent. of the wagons allotted for coal are taken up for these priority demands and only 20 per cent. left for the remaining 85 per cent. of the collieries producing largely second class coal for public supply. It is the price of this coal for public supply that has mounted up and caused public clamour. The collieries—the second class collieries—it is claimed, do not want to profiteer, but unless they are to close down, it will not obviously be to the public interest that the price of coal must be kept sufficiently high to compensate them for the overhead expenses they incur for total raisings of coal. The position at present is that it is not the price of coal that counts, but it is the price of the wagon. Whoever

succeeds in unrestricted competition to bid for the wagon secures the coal and solve the problem. The problem cannot be tackled by the Provincial Government on its own. Action in a limited way, as has been possible, has however already been taken with respect to domestic coke. Various suggestions have been made by this Government and the Government of Bihar conjointly, who are the parties most interested, to the Government of India for the solution of this problem. The principal suggestion is the appointment of a Coal Transportation Officer who will have statutory authority to regulate the supply of wagons for coal in the Bengal and Bihar fields. Coupled with this is the suggestion to control the price of pit-head coal both at Jharia and Raniganj and also to direct the consuming provinces and states to fix secondary and retail prices of coal.

As it is, the east-moving wagons, mainly to Bengal, get coal much cheaper than the upcountry stations or Bombay. The price there is much higher and of some qualities almost double than obtaining in Bengal.

The Government of India have recently appointed a Special Officer to investigate the problem. With the appointment of a Coal Transportation Officer it is probable that supplies of coal and coke would be better distributed and profiteering which is now due to competition for wagons cut out. But so long as the wagon position remains as acute as it is now, it is unlikely that the price of second class coal will come down materially. The principal sufferers on this account will be the small industries, for instance, the rice mills in Bengal. The point that rice is the staple food of Bengal and the desirability of normal working of rice mills in the present emergency in the province has however been put to the Government of India. So far as coke for domestic purposes is concerned the people in mofussil areas should find no serious inconvenience to use fire-wood fuel. In Calcutta and the surrounding industrial area it is hoped that coke in small quantities for domestic purposes would be available.

**Sir BIJOY PRASAD SINGH ROY:** So far as I have been able to follow the Hon'ble Minister, I understand what he has to say about the difficulties in the matter of supplying coal. But, Sir, in spite of these difficulties Government had fixed a maximum price and as such is it not their duty to see that the article is available at that price? No explanation has been given on that point.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** It is due to lack of facilities of transport and I shall be very glad to obtain suggestions from the honourable members as to how Government can successfully tackle this problem.

**Sir BIJOY PRASAD SINGH ROY:** I am afraid my honourable friend has not followed my point. In spite of the difficulties of transport, Government had in their wisdom fixed a maximum price. Is it not their duty to see that the article is available for that price in the market?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** The question of inflation is there and it is beyond the power of Government to control it in the way suggested by the honourable member.

**Sir BIJOY PRASAD SINGH ROY:** Then please do not fix the price.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** There is no point in fixing a price then.

**Mr. PRESIDENT:** Order, order.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** As I have already said, it is an all-India question, which is under investigation and consideration. Government of Bengal are doing their level best.

**Sir BIJOY PRASAD SINGH ROY:** What is that level best? That is what we want to know.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** It is to impress on the Government of India. This province alone is not interested in this question; along with us, the sister province of Bihar is also equally interested in this coal matter.

**Mr. J. B. ROSS:** Mr. President, with your permission I might be able to make a statement supplementing the Hon'ble Minister's statement from my own personal knowledge of the state of affairs in the coal-fields. The present orders of the Railway Board are that on five days a week nothing but priority supplies of wagons will be granted to any collieries for loading coal to be used for military purposes; and on two days a week only, that is on Wednesdays and Sundays, wagons will be allotted for loading on account of the public. Now the whole underlying qualification of these arrangements is that wagons should be available. I may tell you that for the last ten days wagon supplies for loading on priority account, on loco account and on account of concerns engaged in the war effort have been very much in deficit. Wagon supplies for loading on public account on Wednesdays and Sundays have been practically non-existent. There has been an allotment of something like 6 per cent. on basis, that is to say, that a colliery which is entitled, shall we say, to ten wagons on public account will get one.

Now, when the colliery gets that one wagon, he has to consign it for he has probably sold his coal in advance in many cases to a merchant who usually buys public coal and it is the merchant who holds the public up to ransom. He has the coal sent to a popular consuming centre, and he holds an auction and sells the coal to the highest bidder. Mr. friend behind me here, Sir Thomas Lamb, had coal offered to him the other day at Rs. 30 per ton F. O. R. colliery against a normal price of Rs. 5 and this is a very mild instance of what is going on. The Indian section of the coal trade, that is the Indian Mining Federation and the Indian Colliery Owners' Association, who are well aware of the difficulties being experienced by consumers of soft coke, brought this very matter up before the Railway Board at a meeting in New Delhi in January and asked for priority supplies to be allowed for soft coke which would be sufficient to meet the requirements of the consuming markets, but that request was not favourably received. As I see it, the only course open to the Hon'ble Minister in Bengal is the enforcement of a maximum price. He cannot force the supply of wagons; neither can he alter the policy of the Railway Board, because both are outside his jurisdiction. But one remedy which lies in his hand is that he should take drastic action against the people who are profiteering and the public should be asked not only to refuse to pay high prices but to report such demands to responsible officers of Government to enable them to take action. It is the failure of the public to report such cases that enables this sort of profiteering to go undetected and if the public will co-operate with the Hon'ble Minister, I am sure they will make his task very much easier and bring about what my friend Mr. Roy Chowdhury seeks to gain by his motion for adjournment.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** It appears from the statement of the Hon'ble Minister that it is due to competition in wagons that the price of coal has gone up. But from Mr. Ross we get that there is no competition in wagons but that the higher price is due to the profiteering of the middle-men. They are charging a higher price than that fixed by the Government. If the railway freight is not increased, how can there be any increase in prices at all? The difficulty is about getting supply of wagons. So, it is the duty of Government to find out the people who are profiteering and drastic action should be taken against them.

**Mr. K. C. ROY CHOWDHURY:** Mr. Ross is perfectly right when he says that the Hon'ble Minister has two ways of tackling the problem, namely, to fix the price of soft coke at pithead at Raniganj within Bengal and also to ask the Government of India to induce the Bihar Government to fix its pithead price of soft coke at Jharia. But Raniganj and Asansol are within Bengal and some steps may be

taken to control the price there. It is a farce to fix a price and not to see to its enforcement. We purchased coal from the depôt at Rs. 1-14 a maund even after the maximum price had been fixed at Rs. 1-4. Had we refused to purchase coal at that price, we would have gone without meals. Steps should be taken by the Government of Bengal to see that in Ballygunge and other depôts coal is sold at Rs. 1-4 per maund and he who refuses to sell at that price should be prosecuted. That will be sufficient. That is all we want. We know of the wagon difficulty. If I had the time, I could have dwelt on the matter of wagon supply, for I have studied the position carefully and I do say that now that shipment of coal to the Far East and Singapore has stopped, 50 wagons per day for shipment of coal and bunker coal will be released. Mr. Ross knows this. I have got information that they were despatching about 200 wagons a day to Kidderpore Docks for shipment. At least 25 wagons of these 200 may be placed for transport of soft coke to Calcutta. My information is that daily consumption of domestic coal is 500 tons; therefore, it is the business of the Hon'ble Minister to see whether by coaxing the military authorities and the Railway Board he cannot get these 25 wagons for supplying coal to Calcutta. He should also take immediate steps to fix the price of pithead coke and enforce sale of the same at Calcutta at the price of Rs. 1-4 per maund and to prosecute the profiteers.

**Mr. LATAFAT HOSSAIN:** Sir, in the jute mill areas there was no complaint regarding the supply of coal but only regarding foodstuffs, because we used to get our coal from the mills. When the prices of coal began to soar high, the Government laid down a maximum price but, Sir, who is going to take proper steps to enforce the price? It is entirely dependent on the question as to whether the sellers are going to sell at this price. In our municipality we have passed a resolution to enforce the price, but no action has been taken by the Government. We have also gone to the higher authorities but there too no action has been taken by them. The Government is only issuing a notification but is doing nothing else, so that the sufferings of the people are going on and on.

**Mr. K. C. ROY CHOWDHURY:** After hearing what the Hon'ble Minister had to say on this subject, I do not move my motion.

## Discussion of Supplementary Estimates.

**Mr. PRESIDENT:** The House will now take up the discussion of the Supplementary Estimates.

**Mr. LALIT CHANDRA DAS:** On a point of order, Sir.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, with regard to this matter, may I with your permission point out one thing? We got notice that the Supplementary Estimates will be discussed to-day only after coming to the House. As we were not sure of it, I did not bring in my notes nor even the statement with me for discussion. In this view of the matter, Sir, it is impossible for us to proceed with the discussion of the Supplementary Estimates to-day. I would, therefore, request that Government may be pleased to fix some other day for the discussion of these estimates.

**Mr. PRESIDENT:** The Chair feels the difficulty of the honourable members. As a matter of fact, my office also got the altered Agenda Paper only this morning. That is why it could only be circulated to the honourable members in the House. May I remind the honourable members that the date for discussion of the Supplementary Estimates under the Government of India Act are fixed by His Excellency the Governor in his individual judgment? So, unless the Hon'ble Finance Minister can see his way to get another date fixed by His Excellency, it is difficult for the Chair to intervene in this matter. Rule 14 of the Governor's Rules states: "The Governor, exercising his individual judgment, may from time to time allot a day for the presentation of a supplementary statement of expenditure." The Chair desires the Hon'ble Finance Minister to indicate what should be done under the circumstances. The Chair feels the difficulty of the honourable members in that they had practically speaking no notice that the matter was coming up to-day.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** Sir, the House is aware that this matter was to have been considered on the 26th February last, for that was the date fixed by His Excellency the Governor. Then it was decided that it would be taken up on another day and accordingly His Excellency fixed to-day for the purpose. His special permission was taken and he has fixed the 3rd of March——(Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But this House was not informed of this in time.) However, Sir, if I may make a suggestion, I would like to say that this House could only have a general discussion on these estimates and that we may finish it to-day. My honourable friends of the Opposition at any rate will feel rather shy in criticising these Supplementary Estimates, because these estimates should have been brought up here by the last Ministry long ago. They cannot criticise themselves too long for obvious reasons. We have to forget the past to a great extent. The Lower House has voted this demand and the assurance that I can give to the members of the House is that there will be no such occasion for complaint in future. These matters will come to the Legislature in proper time. Some extraordinary expenditure may have to be met during the period of emergency. Subject to this, the normal procedure would be followed.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** The supplementary demand has been placed before the Legislature practically before the actual demand has been made. The difficulty is we have not got copies of the printed books with us to-day. We have not brought them as we did not know that the Supplementary Estimates would be taken up to-day.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** I have got two copies of the books and I can give the honourable member one copy.

**Mr. PRESIDENT:** It is the duty of the Chair to see that members are not deprived of their legitimate right of getting due and timely notice of matters to be discussed in the House. It should have occurred to the Hon'ble Finance Minister that the members of the House were entitled to be apprised timely of the date on which the Supplementary Estimates would come up for discussion in the House. We have been informed only this morning that this matter had been fixed for discussion to-day. Before this no mention about the date for the discussion of the Supplementary Estimates was made in the programme of business circulated by the Home (Constitution and Elections) Department. If the Hon'ble Finance Minister does not see his way to consider this aspect of the matter, the Chair may be obliged to explore means to protect the rights of the members of this House. It is the duty of the Chair to see that the rules of the House are duly observed. Even if the date for discussion of this subject has to be fixed by the Governor in exercise of his individual judgment, the Government should see that the date for discussion is intimated to my office at a reasonable time before the actual discussion takes place, so that the honourable members of the House may be timely informed and may, accordingly, come prepared for discussion. I would request the Hon'ble Finance Minister to consider the question from this point of view.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** Sir, if it is left to me, I would immediately accept your suggestion. But, Sir, I am between the House and the Governor's discretion. I cannot commit His Excellency, but if it is your desire and the desire of the House that another day should be allotted for the discussion of the Supplementary Estimates, I shall convey the wish of the House to the proper quarters and try to secure another day for it.

**Mr. PRESIDENT:** The Leader of the Opposition may move a motion to the effect that in view of the fact that notice of discussion of the Supplementary Estimates was received only this morning, the discussion be postponed, if necessary, till to-morrow.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** I beg to move that in view of the fact that notice of discussion of the Supplementary Estimates was received only this morning, the discussion be postponed, if necessary, till to-morrow.

**Mr. PRESIDENT:** The question before the House is: that in view of the fact that notice of discussion of the Supplementary Estimates was received only this morning, the discussion be postponed, if necessary, till to-morrow.

(The motion was put and agreed to.)

## The Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1942.

**Mr. PRESIDENT:** The House will now take up the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1942.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I beg to introduce the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1942.

**Mr. AMULYADHONE ROY:** On a point of order, Sir. I draw your attention to sub-rule 2 of Rule 49 of the Bengal Legislative Council Procedure Rules. It has been our experience that these rules are binding on the non-official members of the House. But I am sorry to submit that the present Ministry is observing these rules more in their breach than in their observance.

**Mr. PRESIDENT:** What is your particular point?

**Mr. AMULYADHONE ROY:** Sir, a period of notice for motion to introduce a Bill is required under the rules and——

**Mr. PRESIDENT:** There is no motion asking for leave of the House to introduce this Bill. By publishing this Bill in the Gazette, the Government have dispensed with the necessity of asking leave of the House for introduction.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Sir, I beg to introduce the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1942.

Secretary then read the short title of the Bill.

**Mr. PRESIDENT:** The Bill is introduced.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Sir, I move that the said Bill be taken into consideration.

**Mr. AMULYADHONE ROY:** On a point of order. Again I draw your attention to rule 62 of the Bengal Legislative Council Procedure Rules. Sir, the Hon'ble Minister has moved that the Bill be taken into consideration but, Sir, we must get time to put forward amendments.

**Mr. PRESIDENT:** We have not yet come to that stage. That will be after this motion for consideration is carried.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** As the House is well aware, the House passed the previous Bill on this subject, namely, the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940. Now, the object of this Bill is only to extend the time from two years as in that Act to three years in order to enable us in the meantime to have a permanent and more comprehensive legislation prepared and placed on the statute book.

**Mr. NUR AHMED:** On a point of order. I draw your attention, Sir, to the proviso to rule 52 of our Council Procedure Rules which says that "no such motion shall be made until after copies of the Bill have been made available for the use of members and that any member may object to any such motion being made, unless copies of the Bill have been so available for fifteen days before a motion under clause (*a*) ....." The Hon'ble Minister has moved that the Bill be taken into consideration, but copies of the Bill in question have been made available to us only just now and 15 days will count only from to-day. So I think, Sir, that the motion for consideration is not in order.

**Mr. PRESIDENT:** The honourable member should remember that the Bill was published in the *Calcutta Gazette* of the 14th February. That is sufficient publication and dispenses with the necessity of distribution of copies to members. So, I rule that this motion for consideration which has just been moved is in order, as the publication has been made fifteen days before.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** The former Act, the Bengal Non-Agricultural Tenancy (Temporary Provisions) Bill, was passed and as probably the House is aware, a special committee was proposed to be appointed to consider the whole question of the rights of non-agricultural tenants in urban areas. A committee was already appointed by Government and before the committee should finish their labours, it was brought to the notice of Government that designing landlords with the object of defeating the object of any such

legislation being brought forward were going to institute suits and take other measures for ejectment. Therefore it became necessary, pending the report of the Select Committee and pending a permanent legislation on this topic to pass that Act and it was intended in that Act that as a matter of fact for two years these people would not be permitted to bring about the ejectment of any tenants. And that was a temporary provision. Now that period of two years, the duration of that period, will expire on the 29th of May next. A comprehensive Bill has already been drafted and it is now lying in the Revenue Department. As time is short and as the whole object of the previous legislation will be defeated unless this period is further extended by one year more and as the whole thing that we have done hitherto for the people will be infructuous, this Bill has been brought up before the House to extend the time by one year more. It is with this object of extending that period of two years of the former Act to three years that this Bill has been produced. That is the whole object of the Bill, and I hope the House will be pleased to consider this Bill.

**Mr. PRESIDENT:** Motion moved: that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1942, be taken into consideration.

**Sir BIJOY PRASAD SINGH ROY:** Sir, I rise to oppose the motion which has just been moved by the Hon'ble Minister in charge of this Bill. Sir, this Bill now seeks to extend the provisions of the Temporary Provisions Act (Act IX of 1940) by another one year. Now, let us first of all turn to the Act and see what are its provisions. There are certain provisions in that Act by which pending suits and proceedings were stayed. That measure was introduced by the previous Government and passed by the Legislature with a view to enable the committee that was appointed by the House to examine the whole problem of non-agricultural tenancy. The two years period is about to expire. In the meantime, the committee had reported, a Bill was drafted and published, and that Bill in a way was introduced as early as 14th September, 1941. I fail to understand what is the justification of Government's coming before the House after nearly six months with a proposal for extending the life of the existing Act. That Bill was thoroughly considered, prepared and published. It now remains for Government only to proceed with that Bill; but instead of that, instead of moving that the Bill published by the previous Government be referred to a Select Committee, Government now comes with a proposal for extending the life of the Act which is about to expire. In this Act, as I just mentioned, there are certain provisions by which pending suits and proceedings were stayed. It will be most undesirable to keep them pending for another year and especially when there is not much justification for it. Sir, my friend described landlords as designing. But whatever they might be, they too expect

justice and fair play even at the hands of the present Government; they should not be deprived of their legitimate rights by the procedure which has just been suggested by the Hon'ble Minister.

On these grounds, Sir, I oppose the motion.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, although we agree that there has been considerable delay in regard to the Bill contemplated to be brought forward to deal with the non-agricultural tenancies of Bengal, yet I think, under the circumstances, it is only necessary that a Bill of this nature which has just been presented before the House should be passed, because otherwise if the original Bill, which has been published in the Gazette, were introduced and referred to a select committee, then it would be impossible for the Bill to go through both the Houses of Legislature before the 29th of May. It will be a very great hardship to the non-agricultural tenants if a Bill of this nature is not passed immediately. Sir, I say that there has been considerable delay in the matter of passing a comprehensive Act dealing with non-agricultural tenancies; and it should no longer be delayed and must be expedited as much as possible. But placed as we are, it is only proper that the term of the emergent Bill should be extended by a year or so. Of course, there may be difference of opinion as to whether it should be extended by six months or a year; but in any case there must be some extension, as it is impossible for us to expect that the comprehensive Bill will be passed by both Houses of the Legislature and receive the assent of His Excellency the Governor by the 29th of May. (Sir BIJOY PRASAD SINGH ROY: What about the original Bill?) As I have said, the original Bill should also be placed before the House, but as I have said, there is no possibility of that Bill being passed by both Houses of the Legislature within a short period. So, an Act like this has become necessary in the interests of the tenants of Bengal. With these comments, I support the motion for taking the Bill into consideration.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, I rise to support the motion for consideration of the Bill. I submit that the considerations urged upon the House by Sir Bijoy Prasad Singh Roy are to a large extent irrelevant. We find that a committee actually worked on this subject for a long time and has submitted a report. We also know that a comprehensive Bill has been drafted and published in the *Calcutta Gazette*. Before, however, the new Government can settle down to its normal duties, it will have to re-examine the provisions of the Bill because the new Government may have a new policy, and it is quite conceivable that they may reconsider the principles or the details of the Bill before introducing the same. If any changes are necessary, if even slight alterations are required, they should be carefully considered. But the point does not really arise now. We find

that the proposed Bill has not been placed before the Legislature. We find that the temporary Act is going to expire by the 29th of May and we also find that it is not possible to pass the main before the expiration of this period. We are to consider therefore what we are to do. We ought to tackle the problem like practical men, and that is to extend the provisions of the temporary Act until the Legislature is in a position to pass a comprehensive Act. In these circumstances I submit, although for different reasons, that it is inevitable that the present Bill of this nature should be passed extending the period by a further period of one year.

**Sir BIJOY PRASAD SINGH ROY:** But the Government had three or four months' time to come before the House with such a proposal!

**Khan Bahadur NAZIRUDDIN AHMAD:** Well, Sir, the Government of which Sir Bijoy was such a prominent member was not particularly swift in the matter of taking decisions with regard to legislation. The subject is highly contentious and I think it is a very wise principle, in matters of legislation, not to be hasty but to carefully deliberate over the provisions of a Bill before it is placed on the statute book. I therefore submit that the present Bill should be taken into consideration.

**Mr. KRISHNA CHANDRA ROY CHOUDHURY:** Sir, I am indeed surprised that Sir Bijoy Prasad Singh Roy who was the sponsor of the Bill in its passage through the Legislature in the last Administration and had been so profuse in giving assurances that the Ministry would do justice to all classes of landlords and tenants, should now take recourse to delaying tactics. I should think that the new Ministry should be given the time—one or two months' time—to study the Bill and introduce a fresh comprehensive measure. I, therefore, don't think that Sir Bijoy should oppose what is, to all intents and purposes, his own Bill. In this view, I shall be very pleased to support the motion before the House.

**Khan Bahadur ATAUR RAHMAN:** Sir, I do not rise to oppose the Bill though it has been both supported and opposed by the Opposition. I should like to suggest that when any Ministry changes, as is quite likely,—it sometimes changes like pictures in kaleidoscope,—the measures adopted by one Ministry should not be changed or reviewed or re-committed to select committees or re-circulated for eliciting public opinion, as these procedures tend to waste of public money. If the Bill was ready in September and the new Ministers were in office in December, why was it not introduced in the last December session? In that case, we would have finished it by now.

The present position is that we are introducing the Bill to-day, then we shall have to wait for another week for discussion. So, it will be seen how much money is wasted in this way. I would suggest, therefore, that the new Minister-in-charge should consider the measures adopted by the previous Ministry as quickly as possible and thereby save time and public money.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Sir Bijoy Prasad raises his voice of protest and "warbles his native woodnote wild" like the proverbial solitary bird. On going through the file, I find that he was the sponsor of the Bill which was passed. The present Bill seeks to extend the operation of that Act. He now finds fault with the new Ministry that so many months have elapsed without our taking any action on it. But people who live in glass houses must not pelt stones at others. According to his statement, if the Bill was almost ready (Sir BIJOY PRASAD SINGH ROY: Not almost ready.) It was almost ready because it was introduced at that time and was under your consideration. As he said by the middle of September, the Bill was almost ready, Sir Bijoy Prasad has got to explain how from September 19th to December 17th he kept silent over the matter. So if the present Ministers are guilty, to a great extent Sir Bijoy Prasad also was guilty of contributory negligence. However, I do not wish to dilate on the matter any further. It is his own Bill and, consistently, he should not oppose it.

**Sir BIJOY PRASAD SINGH ROY:** Sir, what I have suggested was that instead of introducing the present Bill, they should have proceeded with the Bill that was already published and should have extended the operation of the Bill that was introduced by the last Ministry. They could have easily done so and referred this Bill to a select committee.

**Mr. PRESIDENT:** The question before the House is: that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1942, be taken into consideration.

(The motion was agreed to.)

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I think that a shorter time than one year should be provided. This amending Bill will not probably be referred to a select committee in order to expedite its passage. There are some who would like to submit amendments. I think, therefore, that one day should be given for putting in amendments.

**Mr. PRESIDENT:** I think it would not be inconvenient if I fix 12 noon on Friday, the 6th instant, for giving notice of amendments. The Bill will be taken into consideration, clause by clause, for final settlement on Monday, the 9th March.

**Mr. LALIT CHANDRA DAS:** On a point of information, Sir. May I ask one thing, Sir? There are two other Bills, Government Bills, the reports of the select committees thereon were submitted as far back as the 11th December last. One of them, namely, the State Aid to Industries (Amendment) Bill, I think, Sir, is non-contentious; so this can easily be gone into in this session. The other Bill is the Bengal Markets Regulation (Amendment) Bill. If this latter Bill is decided not to be proceeded with, then the Hon'ble Minister should take action under rule 70 of our rules under which he is to say, Sir, that he is not going to proceed with the Bill. In any case, Sir, something ought to be done with respect to these two Government Bills.

**Mr. PRESIDENT:** This is a matter which, I think, should be settled between Government and the party leaders.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, we have no notice of any programme for the next few days. We do not know if there will be sittings of the House at all after to-day; if so, after how long. We have not yet been able to know whether the supplementary budget will be taken up for discussion tomorrow or the day after tomorrow. We want to know definitely on what particular dates this subject or that subject will be taken up so that we might come prepared on that particular day for that particular subject. In short, my submission is that we want to have a few days programme in advance.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** The same difficulty which confronted the Hon'ble Dr. Mookerjee confronts me here in giving the honourable member a definite answer. But, as a matter of fact, when the House has resolved unanimously that this should be postponed to a future date, of course the verdict of the House will take its own course.

**Mr. LALIT CHANDRA DAS:** What about the State Aid to Industries Bill?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Oh, that may come later.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** We are anxious to get away at the earliest possible opportunity.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** The difficulty about the fixing of a date for the discussion of the supplementary budget is this. His Excellency the Governor is not here just now, and hence we cannot suggest a definite date, which would be fixed by His Excellency himself.

**Mr. PRESIDENT:** The Council stands adjourned till 2-45 p.m. on Friday, the 6th March, 1942.

## Adjournment.

The Council then adjourned till 2-45 p.m. on Friday, the 6th March, 1942.

**Members absent.**

The following members were absent from the meeting held on the 3rd March, 1942:—

(1) Mr. Altaf Ali.
(2) Mr. Kader Baksh.
(3) Rai Bahadur M. N. Bose.
(4) Mr. Hamidul Huq Chowdhury.
(5) Mr. N. C. Dutta.
(6) Mrs. K. D'Rozario.
(7) Mr. K. K. Dutta.
(8) Khan Bahadur Alhaj Khwaja Mohd. Esmail.
(9) Alhaj Khan Bahadur Shaikh Mohd. Jan.
(10) Mr. Humayun Kabir.
(11) Khan Bahadur Mohd. Asaf Khan.
(12) Maulana Mohd. Akram Khan.
(13) Mr. J. McFarlane.
(14) Mr. Naresh Nath Mookerjee.
(15) Dr. R. K. Mookerjee.
(16) Khan Bahadur Mukhlesur Rahaman.
(17) Dr. K. S. Ray.
(18) Mr. B. K. Roy Chowdhury.
(19) Mr. S. N. Sanyal.
(20) Rai Sahib J. M. Sen.
(21) Raja Bahadur B. N. Sinha.



B. G. Press—1942-43—1296A—750

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session—No. 11.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 6th March, 1942, at 2-45 p.m., being the eleventh day of the First Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

## QUESTIONS AND ANSWERS

### Indo-Burma Immigration Agreement.

*48. **Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if the Government of Bengal was consulted by the Government of India regarding the terms of the recently concluded Indo-Burma Immigration Agreement?

(*b*) If so, have the Government of Bengal approved the said terms?

(*c*) If not, have the Government of Bengal made any representation in the matter with a view to safeguard the legitimate interest of Bengalis living in, and having connection with, Burma? If not, why not?

(*d*) Do the Government of Bengal propose to communicate their views regarding the terms of the Agreement in question emphasising the objectionable and discriminatory characters of some of the terms of the said Agreement? If not, why not?

**MINISTER in charge of the REVENUE and JUDICIAL and LEGISLATIVE DEPARTMENTS (the Hon'ble Mr. Pramatha Nath Banerjee):** (*a*) No.

(*b*) Does not arise.

(*c*) and (*d*) Views of this Government were submitted to Government of India on the 19th September, 1941, and no reply has yet been received. A reminder has been sent.

*This question remained unanswered from the Second Session of 1941.

**Recommendations of the Land Revenue Commission.**

*54. **Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if his attention has been drawn to the specific recommendations made by the Land Revenue Commission in paragraphs 265, 267, 268, 269 and paragraphs 280, 314, 315, 316, 317, 146 and 157 of the first Volume of their report, the summary of which has been given at pages 177 to 180 of the said report regarding reduction of rent, etc.?

(*b*) If so, do the Government propose to introduce suitable legislation in the Bengal Legislature as early as possible to give effect to these recommendations?

(*c*) If not, why not?

(*d*) Which of the other recommendations have been accepted by the Government up to this time?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** (*a*) Yes.

(*b*) to (*d*) A draft Bill embodying Government's decision on Land Revenue Commission's recommendation in paragraphs 314-317 of the Report is under examination. Other recommendations are under consideration.

**Enquiry into the question of processions with music in public thoroughfares in Dinajpur.**

**55. Rai Sahib JOGENDRA NATH ROY (on behalf of Rai Sahib Jatindra Mohan Sen):** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the date when Mr. V. N. Rajan, District Magistrate, Dinajpur, started an enquiry regarding processions with music in public thoroughfares;

(*b*) whether he started the enquiry on his own initiative or on the direction of the higher authorities;

(*c*) what was the scope of this enquiry and whether it was a public enquiry or an enquiry *in camera*;

(*d*) whether the enquiry has been finished; if so, when; if not, when it is likely to be finished;

(*e*) the number of persons examined and if any of them were police officers; if so, how many; and

(*f*) whether representations, oral or in writing, were made by the late Jogindra Chandra Chakravarti to finish the enquiry before the last Durga Puja?

*Questions No. 54, 55, 56 and 57 remained unanswered from the Third Session of 1941.

**MINISTER in charge of the HOME and PUBLICITY DEPARTMENTS (the Hon'ble Mr. A. K. Fazlul Huq):** (*a*) In April, 1941.

(*b*) On his own initiative in compliance with the orders current since before 1927 that custom is the deciding factor.

(*c*) Evidence was given to him confidentially by those who deposed.

(*d*) The enquiry was finished about the middle of November, 1941.

(*e*) About 110, of whom about 25 were police officers.

(*f*) I have no information.

**Immersion of images of goddess Durga at Dinajpur.**

**56. Rai Sahib JOGENDRA NATH ROY (on behalf of Rai Sahib Jatindra Mohan Sen):** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether Mr. V. N. Rajan, I.C.S., District Magistrate of Dinajpur, himself dealt with the applications for licence of processions with music in connection with the immersion of the images of goddess Durga at the last Durga Puja festival, under the Defence of India Rules;

(*b*) whether the District Magistrate granted sanction subject to music being stopped before mosques at all time of the day;

(*c*) whether representations were made to the District Magistrate to the effect that the condition of the licence was unjust and unfair and prejudicial to the enquiry he was holding;

(*d*) whether representations were made to the Divisional Commissioner, the Chief Secretary and His Excellency the Governor on the one hand and the Home Minister and the Chief Minister on the other and that each of them declined to interfere until Mr. Rajan completed his enquiry and submitted his report; and

(*e*) whether it was not represented that the processions be allowed to be taken out with music beyond prayer time on the distinct understanding that such processions would not create a precedent?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) and (*b*) Yes.

(*c*) It was urged by the Hindus before the District Magistrate that the conditions were unfair; no representation appears to have been made to him that the conditions were prejudicial to the enquiry then being made. On the contrary the understanding was that conditions would be imposed till completion of the enquiry.

(*d*) I have no information if representations were made to the Divisional Commissioner and His Excellency the Governor. References were probably made to the matter in communications to the Chief Secretary, my colleague then in charge of the Home Department, and myself. Government did not intervene.

(*e*) Not at the time.

### Failure of crops in certain parts of Chittagong.

**57. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that *aus* crops have been entirely lost in the Chakaria, Banskhali and Kutubdia thanas of Cox's Bazar subdivision and in Satkania, part of Rangunia, Patiya, Anwara, Boalkhali and Hathazari thanas of Sadar subdivision of Chittagong, owing to flood and inundation in the last rainy season and the people of these villages are in distress?

(*b*) Have the Government granted any remission in payment of rent and revenue in these flood-affected areas? If so, how much?

(*c*) If not, do the Government propose to make any remission? If not, why not?

(*d*) Do the Government propose to suspend realisation of education cess in these areas? If not, why not?

(*e*) Is it a fact that the people in these areas are unable to pay such revenue and cess?

(*f*) Is it a fact that in the last *kists* the revenues have been realised in Chittagong with 15 per cent. of penalty in almost all cases which caused great hardship to the land-owners concerned?

(*g*) If so, do the Government propose to reduce the rate of penalty to be realised to 5 per cent. or less? If not, why not?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** (*a*) No. The extent of damage was as follows:—

Chakaria—Three-fourths.

Banskhali and Kutubdia—Nil.

Satkania—One-fourth.

Rangunia, Patiya, Anwara and Boalkhali—Negligible.

Hathazari—Nil.

(*b*) and (*c*) Remission is not allowed for failure of only one crop without taking into consideration the other crops of the year. Applications for remission were, however, very carefully enquired into but it was found that the percentage of damage did not justify remission according to rules 176 to 180 of the Bengal Tauzi Manual, 1940.

(*d*) Under the existing law there is no provision for suspension of education cess.

(*e*) No, because there was a good *aman* crop.

(*f*) In exempting the estates which defaulted in the *kist* of June, 1941, from sale, exemption fees were realised at the following rates:—

(1) At 1 per cent. within one month from the latest date of payment.

(2) At 2 per cent. after one month but before 15 days from the date of sale.

(3) At 10 per cent. two days before the date of sale.

(4) At 15 per cent. on the date of sale and on the day preceding that date.

(*g*) The matter is under consideration.

**Mr. NUR AHMED:** Will the Hon'ble Minister be pleased to state if he does not think that the realisation of 10 per cent. or 15 per cent. penalty is causing hardship to the poor defaulters?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** So far as this question is concerned, I have reason to believe that the matter is governed by the rules; and the question of changing the rules is a question which may be separately considered.

## Questions tabled for the Current Session

### Test relief work in Bhati area.

**10. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) what is the rate of wages for test relief work as fixed by the Famine Code; and

(*b*) whether the Government have arranged for giving relief to the dependants of workers in the *bhati* area of Mymensingh where test relief operations are now going on; if not, why not?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** (*a*) Where the full daily task can be performed the rates are as in section 166 of the Famine Code. Where only three-fourths of the daily task can be performed the rates are as in section 167 of the Code.

(*b*) Yes, the wages to test workers cover relief to dependants.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** With reference to (*b*), will the Hon'ble Minister kindly let me know what is the rate at which the labourers are being paid in this particular area?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** I am afraid I have not got the figure with me just now; but if the Hon'ble the Leader of the Opposition so desires, I can supply him with those figures.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** I may tell the Hon'ble Minister that the dependents of the labourers are not being paid anything. So, may I ask him why this procedure which is at variance with the Famine Code has been adopted?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** I shall make an enquiry into the matter. So far as the Famine Code is concerned, I think the Hon'ble the Leader of the Opposition knows very well how difficult it is to follow the Famine Code. For this difficulty we have been following the Famine Manual, wherever possible.

### Arrest of Mr. Sarat Chandra Bose.

**11. Mr. NUR AHMED:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) why Mr. Sarat Chandra Bose was suddenly arrested on the 11th December, 1941; and

(*b*) whether the Government propose to take steps to get him released at once; if not, why not?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) The attention of the honourable member is invited to the Press Communiqué issued by the Government of India on the 11th December, 1941.

(*b*) My colleagues and myself have approached the Government of India in the matter.

**Mr. NARESH NATH MOOKERJEE:** Will the Hon'ble the Home Minister be pleased to say what is the latest position with regard to the matter? Has any communication been received from the Government of India?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** We have received certain communications from the Government of India and we have made further representations; but it is not possible to disclose how the matter stands at present.

**Sir BIJOY PRASAD SINGH ROY:** Is it a fact that up till now there has been no representation from the Government of Bengal as such to the Government of India regarding the release of Mr. Sarat Chandra Bose?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** No representation has been made by the Government of Bengal, but a representation was made by the Council of Ministers.

**Sir BIJOY PRASAD SINGH ROY:** Am I to infer that the Government of Bengal do not agree with the views of the Council of Ministers?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** That is not correct.

**Sir BIJOY PRASAD SINGH ROY:** Is it a fact that there is no unanimity of opinion in the Government on this question and that the Government of Bengal as such have refused to move in the matter?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Certaintly not.

**Babu Shanker Nath Sen, District Magistrate, Jessore.**

**12. Mr. AMULYADHAN ROY:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether Babu Shanker Nath Sen is now acting as the District Magistrate of Jessore;

(*b*) whether he is the Taxing Officer, Motor Vehicles Tax Department, Jessore;

(*c*) whether he is the Secretary of the Regional Transport Authority;

(*d*) whether he has kept for his use for the last few months a motor car No. 147 B.G.E., belonging to one Babu Kasi Nath Dutta of Kaliganj;

(*e*) whether the Jessore-Jhenida Bus Route is practically a line of monopoly of Kasi Nath Dutta;

(*f*) whether Babu Shanker Nath Sen pays any hire to Kasi Nath Dutta; and

(*g*) if so, what is the amount paid by him monthly?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) He so acted from the 25th January, 1942, to 15th February, 1942.

(*b*) and (*c*) Yes.

(*d*), (*f*) and (*g*) He has hired contract carriage B.G.E. 147 owned by Babu Kashi Nath Dutta from the middle of October and paid as under—

Rs.38 in November, 1941.

Rs.33 in December, 1941.

Rs.42 in January, 1942.

(*e*) Babu Kashi Nath Dutta is not the only owner permitted to ply on this route.

### Arrest of Abdul Matin Chowdhury, etc.

**13. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the circumstances which led to the issue of orders of restraint under the Defence of India Rules on the Moslem League Secretaries of Noakhali and Feni, and on Mr. Abdul Matin Chowdhury of Gunabati; and

(*b*) whether they are guilty of anything which might affect war efforts?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) Restrictive orders have been issued on—

(*i*) Maulvi Majibur Rahman described as the Secretary of the Noakhali Muslim League;

(*ii*) Maulvi Sultan Ahmed described as the ex-Secretary of the Feni Muslim League; and

(*iii*) Maulvi Abdul Matin Chowdhury of Gunabati for the following reasons:—

(*i*) he had organised breaches of the peace and was engaged in activities likely to encourage enmity and hatred between Muslims and Hindus and between certain opposing classes of Muslims;

(*ii*) he had engaged in activities endangering the public safety and tranquillity and incitatory of class and sectional hatred; and

(*iii*) he was engaged in activities likely to result in a breach of the peace and a disturbance of public order.

(*b*) Not directly.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Are we to understand that they were put under restraint because they were doing organisation work of the League?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** No, that is not correct.

**Maulvi ABUL QUASEM:** Will the Hon'ble Minister be pleased to state the nature of the activities, by giving concrete instances, which were considered to be encouraging enmity and hatred between Muslims and Hindus?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I must have notice, because I have got to go through the papers.

**Recommendations of the Land Revenue Commission.**

**14. Mr. NUR AHMED:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if the Government of Bengal have accepted the main recommendation of the Land Revenue Commission, otherwise known as the Floud Commission Report, regarding State purchase of estates and tenures and other intervening interests in land? If not, why not?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** No; in the midst of the urgent problems created by the war, the present Ministry have not yet had time to complete their examination of the recommendations of the Land Revenue Commission.

**Khan Sahib ABUL QUASEM:** Will the Hon'ble Minister be pleased to state with some precision the time by which it would be possible to arrive at a decision in this matter?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** Government desires to arrive at a decision on this matter as early as humanly possible.

**Security prisoners.**

**15. Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the total number of security prisoners in Bengal so far taken under the Defence of India Act under orders of the Bengal Government;

(*b*) whether it is a fact as reported in papers on the 16th February, 1942, that a Tribunal will be constituted to go into the question of release of those security prisoners; if so, when is it likely to be set up;

(*c*) whether the prisoners will be given the right of being defended before the Tribunal; and

(*d*) whether the constitution of the Tribunal will be an act within the purview of the ordinary authority of the Council of Ministers?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) Ordinary 269 and special 1,243.

(*b*) and (*c*) I hope to be able to make an announcement shortly.

(*d*) The Tribunal will be constituted by Government.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister be pleased to state why a distinction is made between Government and the Council of Ministers as is seen in reply to question (*d*)?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Well, there is ordinarily a distinction between the Government of Bengal and the Council of Ministers.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister be pleased to state whether His Excellency the Governor will be bound by the advice of the Council of Ministers in the matter of the constitution of this Tribunal?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Well, it is a difficult question to answer. The only thing I can say is, as the honourable member is aware, there are certain matters which are decided by His Excellency exercising his individual judgment; and in some he acts in his discretion. In some he takes the advice of his Council of Ministers and he is bound by it in some cases and sometimes he is not. It will depend on the kind of advice that is tendered and the manner in which His Excellency the Governor is disposed to move in the matter.

**Mr. LALIT CHANDRA DAS:** Does this matter of the setting up of a Tribunal to examine the cases of security prisoners come under the individual judgment of His Excellency the Governor or does it come within the authority of the Council of Ministers?

**Mr. PRESIDENT:** Order, Order. The honourable member knows that it lies with His Excellency the Governor to decide how he should

treat this matter, whether exercising his individual discretion, or acting in his individual judgment or taking the advice of his Council of Ministers. After all, his decision is final.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister be pleased to state whether in this matter of the constitution of the Tribunal, the Council of Ministers will first be exercising their right of making recommendations, at least in respect of the members who are to constitute such Tribunal?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I would ask the honourable member to wait and see what the Council of Ministers do.

### Distress in the Sabang thana.

***17. Rai Bahadur MANMATHA NATH BOSE:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) if he is aware that there is acute distress in the major portion of thana Sabang within the Sadar subdivision of the district of Midnapore on account of failure of crop for three successive years (including this year) due to flood; if so, what steps have the Government taken to relieve the distress; and

(*b*) if he is always aware that on account of breach in embankments and heavy rains several thanas in Contai subdivision (in Midnapore) were flooded this year, and there has been failure of crops in consequence; if so, what steps have the Government taken or intend to take to meet the situation?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** (*a*) As a result of floods in 1939, 1940 and 1941, there was distress in some unions of Sabang police-station within the Sadar subdivision of the district of Midnapore.

The following amounts were distributed to relieve distress:—

| | | Rs. |
|---|---|---|
| In 1939— | | |
| Agricultural loan | ... ... | 15,000 |
| Gratuitous relief | ... ... | 800 |
| In 1940— | | |
| Agricultural loan | ... ... | 11,500 |
| Gratuitous relief | ... ... | 500 |

*Question No. 16 was not put as the Hon'ble Nawab Khwaja Habibullah Bahadur to whose department it related, did not attend the meeting on this date.

In 1941—

| | | | Rs. |
|---|---|---|---|
| Agricultural loan | ... | ... | 25,000 |
| Gratuitous relief | ... | ... | 2,000 |
| Free grant for house building | ... | ... | 1,000 |

(*b*) Owing to excessive rainfall between 7th October to 10th October, 1941, many parts of Contai subdivision went under water. But prompt measures for draining out the water were taken and a good crop has already been harvested. Only in isolated basin areas there was partial damage.

The following amounts were distributed in Contai subdivision:—

| | | | Rs. |
|---|---|---|---|
| Agricultural loan | ... | ... | 8,308 |
| Gratuitous relief | ... | ... | 2,635 |
| Free grant for house building | ... | ... | 3,975 |

**Sale of raiyati lands.**

**18. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether he is aware that the number of sales of *raiyati* lands has enormously increased during the last 3 years as revealed by the figures of the Registration Department;

(*b*) what do the Government propose to do to stop such sales, especially sales to non-agriculturists and people having already large area in their possession; and

(*c*) whether the Government contemplate bringing forward a Land Alienation Bill to restrict sales of *raiyati* lands; if so, when?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** (*a*) Yes.

(*b*) An enquiry was made in 1940 as to the proportion of *raiyati* lands passing into the hands of non-agriculturists. It was found that on the average only ·3 per cent. *raiyati* lands were passing yearly into the hands of non-agriculturists.

(*c*) Not at present.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** My question was not in respect of lands passing to non-agriculturists alone but also to persons already holding sufficient lands. Has the Hon'ble Minister figures to show what is the total of lands passing into the hands of non-agriculturists as well as others?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** I ask for notice. We interpreted the question of the honourable Leader of the Opposition in the manner we have done and we have given the answer accordingly.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Statistics in Government publications show that the total of lands transferred were 9 crores in 1937-38; then it rose to 12 crores and now it is 21 crores. So at that rate the lands will be passing out of the hands of the agriculturists. Will the Hon'ble Minister consider the necessity of having a Land Alienation Act passed?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** Certainly Government will consider the advisability or otherwise of an Act of the nature suggested by the honourable member assuming that the data given by the Leader of the Opposition are correct.

## Adjournment motion.

**Mr. PRESIDENT:** The Chair has received notice of the following motion for adjournment from Mr. Nur Ahmed:—

That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the Communique issued by the District Magistrate of Chittagong regarding the evacuation of about 35,000 civil population of Patenga and Halisahor villages of Chittagong district as published in the morning and evening Dailies of Calcutta of 4th March, 1942, resulting in the immense suffering and hardship to these people by the said order.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, may I rise on a point of order? This adjournment motion may, in my opinion, be held to be in order if the local Government could be made responsible for the orders referred to. But I believe the action taken by the District Magistrate was under the advice of the military authorities for whom the District Magistrate was a mouthpiece. So, I submit that the motion is entirely out of order.

**Mr. HUMAYUN KABIR:** Sir, without referring to the point of order raised by Khan Bahadur Naziruddin Ahmad, may I just refer to what you, Sir, were pleased to mention in this House about this sort of adjournment motions which are usually tabled for eliciting information, namely, that instead of moving an adjournment motion we might "ask for the papers"? In that case, the Hon'ble the Minister for Civil Defence might state what had actually happened at Chittagong.

**Mr. PRESIDENT:** Order, order. Let me first decide the point of order already raised. The point is: whether the Government is in a position to tell the House if the District Magistrate acted under the orders of the Bengal Government or under the orders of the Government of India.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, as is evident, the action that has been taken had been actuated by considerations of safety arising out of the military situation in that area. It is not possible, nor do I think it will be considered advisable, to publicly discuss a matter of this kind, either in this House or outside. I may point out, Sir, to the honourable members that the orders were passed after mature consideration in the best interests of the people themselves and in order to avoid worse sufferings of the people who have been affected by these orders. Sir, I am sorry I am not in a position to vouchsafe any further information regarding this matter to this House.

**Mr. NUR AHMED:** Sir, I submit that my intention was to know what steps have been taken by Government to give relief to the people who have been affected by the orders of the District Magistrate. I did not want to question the legality or propriety of the order. I know that that was a military order. I only wanted to know what happened to the 35,000 persons who were evacuated from those two places. Many of the male members of the families evacuated are sailors and were not present in their native villages when these orders were executed. There were many helpless widows, women and children. They were asked to remove from their hearth and home within 3 days. No adequate provision was made beforehand for their removal within such a short time. The Student Federation came to the help of these people. Sufficient notice should have been given to those people for evacuation. So, my intention was only to get information, fuller information, regarding the arrangements made for the comfort of the evacuees.

**Mr. PRESIDENT:** In that case, a motion for adjournment is not the right procedure. The proper procedure should have been to give notice of a short-notice question. But here also I feel the difficulty of the honourable members. Notices of serveral short-notice questions had been sent to the Government for being answered. They neither replied to them, nor even indicated if they are agreeable to accept them as short-notice questions. As has been suggested by Mr. Humayun Kabir, the other procedure that might have been adopted was "to ask for the papers" relating to this matter. However, I call upon the Hon'ble Mr. Santosh Kumar Basu to give any information on this subject to the House that he may have in his possession.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Sir, I welcome this opportunity of narrating before the House the steps which have been taken by Government in connection with the scheme for compulsory evacuation of certain areas in the district of Chittagong. Undoubtedly, my honourable friend Mr. Nur Ahmed has done some service to his constituency by raising this question, although he himself is one of the earliest evacuees from Chittagong residing as he is in Calcutta and discharging his legislative duties, although he happens to be the Chairman of the local municipality——

**Mr. PRESIDENT:** Order, order: the honourable member has been summoned by His Excellency the Governor to attend the session of this House.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Yes, Sir, and that is why I say that he is residing here to discharge his legislative duties.

Sir, the evacuation of the Patenga peninsula from the Karnafuli jute mills to the other side is now practically complete. It will take some time to find out the definite number of those evacuating but it is presumed that it is somewhere between 20,000 to 30,000. A few have moved nearer the town and some have gone away by train—but their number is negligible—and a major portion have evacuated to the southern side of the Karnafuli river. They are now distributed along the banks of the river, and from there to the mouth of the Chapra and will find temporary shelter with the people there. A large quantity of paddy, etc., has been left behind by them and this has been kept under proper guard and control by Government. The owners were allowed to take with them things as they wished, and arrangements will be made for their transport to the other side of the river. The whole of the population who have evacuated over the river have been taken by *shampans* which have been paid for by Government. The problem that now confronts the Government is the settlement of these people for the period during which they are kept out of their homes. This will presumably be for the duration of the war.

The evacuees fall into the following different categories:—

(1) Jotedars and taluqdars with khas mahal land, and tenants; (2) actual cultivators paying rent to the category I have just mentioned; (3) seamen, whose main source of income is the merchant service and who have established homes on some land within areas; and (4) the last category is that of labourers, some of whom are casual and some special, namely those who work at the jetties and some of these categories have land and others work for what may be ordinarily called *Baris*.

Then the question of Government revenue has also to be taken into account. As this area must remain fallow during a part of this occupation by military authorities it will probably be necessary for Government to remit all Government revenue for the period of this occupation and also for a short period thereafter until it is again brought into cultivation. It will also be necessary to compensate those who have been dependent on the occupation of land for the loss which they have sustained as a result of the evacuation. These are questions which are engaging the attention of the Government and they have almost committed themselves to take up these ameliorative measures. Such cultivators as wish to take up land will be offered it, either by Government or under such private landlords as have land to settle and are willing to lease it out for cultivation. It is presumed that at the end of the war they will return to their land in most cases: so the settlement will be of a temporary nature. Then, Sir, the labourers should not present any serious problem. They are being employed at the aerodromes and roads which are to be constructed in the area. The question of accommodating them is also engaging the attention of Government, as many of the labourers are not in a position to erect houses themselves and it is also concerned by the Government that it is not right to call upon them to erect their homes. A serious problem is created by the seamen's families which are numerous. In many cases all the adult members are out in the sea for a certain period and it is desirable that a special village should be erected for their occupation. Some good sites are already being searched for this purpose, but the wishes of the population in this area have got to be considered before any selection of site is actually made.

Then, Sir, the question of water-supply has got to be taken in hand and tube-wells, tanks and wells have to be sunk, as these people have been accustomed to good water. There is great risk of diseases if we cannot get good water. Arrangements for the supply in hot weather will be necessary.

So far as the cultivators are concerned, the Divisional Forest Officer has furnished the District Magistrate of Chittagong with a list of protected forests which have been deforested and which can be allotted for cultivation at any time. These are all active considerations and every step will be taken to accommodate these people so far as it lies within the power of Government.

Then, Sir, there is no medical aid available in the area to the south of the river within some miles and it is essential that Government should at once set up a centre of medical relief as an assurance against epidemics,—against cholera, small-pox or any other diseases. Government are not aware that the local bodies will at all bestir themselves in this matter. It is extremely doubtful whether any assistance would come from these quarters—either from the district board or from the

municipality (Mr. NUR AHMED: It is not their concern) of which my honourable friend Mr. Nur Ahmed is the Chairman. Ordinarily it is not the concern of the municipality; but at this time of emergency nobody should stand on formalities or try to keep themselves within their respective jurisdictions when assistance is called for for the sake of the suffering humanity.

Next, Sir, the construction of houses is also a problem which is engaging our attention. It is urgently necessary in the area south of the river. As I have already stated, most of the people are not able to do it themselves and it is desirable that the Government should themselves undertake this task, and the Government are fully alive to the need for undertaking such a task. Bamboos are being already floated down and about one lakh ought to be available now. Arrangements are also made for *mooli* bamboos in areas where they are sufficiently available.

Now, all available Executive Officers are being put on to this duty. Circle Officers, Special Officers, Jute Regulation staff, are being employed, so that this work of evacuation may be completed with the least inconvenience of the persons who are evacuated. New tanks will have to be dug in the area as those now in existence are very poor and the water is dirty. Primary schools will have to be re-established as far as possible and interruption of community life should be reduced to the absolute minimum in time. These are problems which are confronting the Government and they are alive to the reality of the situation and would tackle this problem in right earnest.

Well, so far as the question of finance is concerned, Government is prepared not to stop at any figure, if it is necessary, to find money for the purpose of giving relief to these persons who are being compulsorily evacuated. At the same time in order not to frighten the legislators of this province, I might say that almost all of it will come from the Central Exchequer.

Now, Sir, as regards labourers I have already said that there is plenty of work to be done on the reconstruction of roads on which the district board has apparently so far not done enough and for years past. In the face of this evacuation, this cannot be treated as ordinary test relief work but must be paid for at ordinary rates of wages. These are considerations which are predominantly before us now and I trust the House will accept our assurance that everything will be done which will be required for the purpose of giving relief to these evacuees.

**Mr. Nur AHMED:** Sir, I am very thankful to the Hon'ble Minister-in-charge of Civil Defence for his informative statement containing encouraging assurances; and in view of that statement, Sir, I do not propose to move my adjournment motion.

## Messages from the Assembly.

**Mr. PRESIDENT:** Secretary.

**SECRETARY:** Sir, I have received the following messages signed by the Hon'ble Speaker of the Bengal Legislative Assembly:—

"(1) The Bengal Legislative Assembly at its meeting held on February 26, 1942, agreed to the amendments made by the Bengal Legislative Council in the Bengal Agricultural Debtors (Second Amendment) Bill, 1940.

(2) The Bengal Legislative Assembly at its meeting held on February 27, 1942, agreed to the Bengal Public Demands Recovery (Amendment) Bill, 1941, as passed by the Bengal Legislative Council, without any amendments."

## Non-official Resolution.

**Mr. PRESIDENT:** The House will now proceed with the discussion of the following resolution moved by Khan Bahadur Saiyed Muazzamuddin Hosain, M.L.C., on the 29th August, 1941:—

"This Council is of opinion that the maximum pay of all the Provincial Services be reduced to Rs. 500 for all future entrants."

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, I rise to record my sympathy for the resolution. The resolution was moved on the 29th August when the old Government was functioning and at that time the party alignment was very interesting from to-day's point of view. At that time the mover of the resolution was on this side of the House and another honourable member, Mr. Nur Ahmed, was also on this side of the House. Both of them are now in the Opposition and it is interesting to read the debate of that day specially as to what Mr. Nur Ahmed said on that occasion. He very ably opposed the resolution at that time and I cannot do better than quote a few passages from his speech and adopt them as part of my argument. At the very beginning he said, "I cannot wholeheartedly support the resolution," and a little later on he was more emphatic and said "I cannot agree to the resolution" and then in the end, after giving very cogent reasons, he pointed out that "the pay of the I.C.S. people was very high. If we reduce the pay of the Bengal Civil Service, there will be needless heart-burning and so on."

He quoted certain figures to show that the pay of the Prime Minister of Japan and other places was low, but he pointed out that those were free countries and people in those countries want to serve their country.

India is not an independent country and the people go to join the public service not to serve the country but to eke out a lucrative career for them. Mr. Nur Ahmed urged that if India was free, or at any rate had Dominion Status, there would not be any dearth of candidates for serving the country on a moderate salary. So he opposed the resolution.

Another very experienced member of this House, Khan Bahadur Ataur Rahman, who had been himself a member of the Junior Civil Service and who rose to a very high position in Government, also opposed the resolution on similar grounds. He further pointed out—I submit, wrongly pointed out,—that the incomes of lawyers and doctors were very high. He urged that the incomes of various services and professions should be equalised before the resolution could be given effect to. So far as I am concerned, though I shall not go to that extreme limit, still I think this problem requires the attention of all. I submit that there should be economy all along the line; but at the same time, the efficiency of the public services should be kept in view. It is within the experience of many that efficiency has deteriorated in many cases. While there are many honourable exceptions, there has been a noticeable tendency in this direction. It is not due to inadequate salary, but it is due to fact that promotion in these services does not take place on the ground of merit. People are promoted and pushed forward by a kind of vacuum created in front by death, dismissal, resignation and retirement on the one hand, and pressure from behind, namely, by juniors and new entrants who form the rear. They proceed not necessarily by their own merit but largely as a consequence of these physical forces and that is the reason why there is a little deterioration in the quality of the work that is done by these public servants. These facts and tendencies have got to be taken into consideration. There is much to be said in favour of the argument that the pay of the Indian Civil Service cannot be reduced and the disparity between their present pay and proposed reduction in the case of the Bengal Civil Service would be extremely glaring and will lead to heart-burning. This resolution, however, should receive sympathetic consideration of all; but a resolution of this type cannot be accepted by Government because it ties down the hands of Government too much. It is not proper to pass a resolution containing specific terms and then to ask the Government to do as much as possible; that would be indulging in pious wishes. It would be the duty of this House to frame resolutions in a manner that its terms could be accepted by Government. The resolution will, however, serve a useful purpose in drawing public attention and that of the Government to this important subject. In these circumstances, I submit that the resolution should receive the sympathetic consideration of the Government and on his assurance, this resolution may be withdrawn.

**Mr. PRESIDENT:** Khan Bahadur, are you going to withdraw your resolution?

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** No, Sir. I don't withdraw but I am going to reply.

**Mr. PRESIDENT:** Order, order. Government has not yet replied to the debate. Hon'ble Dr. Mookerjee.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** Sir, I find that this resolution was moved, as has been pointed out by a previous speaker, in August, 1941. Obviously, it deals with a very important question which has agitated the public mind for a long time. In fact, in 1934 the grades of pay were revised in Bengal but this revision referred mainly to the services which the honourable mover has in view. For instance, if we take the Bengal Civil Service (Executive), we find that the pay of this service was Rs. 250 rising up to Rs. 1,000 including the selection grade; in 1935 this pay was reduced to Rs. 150 rising to Rs. 750. If we take the Educational Service, we find that the pay of this service was Rs. 250 rising to Rs. 800; but it was subsequently reduced to Rs. 150 rising to Rs. 700. I need not trouble the House with the entire list but in every case reductions were made. Then, it appears also that when the last Ministry was in office, an enquiry was made by one of the senior officers of Government as regards the possibility of further reduction in the existing scales of pay and an elaborate report was drawn up by him. The last Ministry decided that the matter should not be taken up during this period of emergency, and the matter rests there. The present Ministry has not yet had an opportunity of examining the question. I have gone through the remarks which fell from the different speakers in August last. I may say that I was rather attracted by the manner in which my friend Mr. Nur Ahmed opposed this resolution at that time. Of course, so far as his hope is concerned—a hope which we all share—that a question like this will be solved when India becomes a free country—I do not know at this moment how far he himself feels assured that this freedom is soon coming to us,—obviously I do not propose that we should postpone the consideration of this matter entirely until India attains freedom. The present Ministry will go into the question and I can give the House an assurance that in the near future we shall be able to formulate our policy in this matter. There is one aspect of the matter which I would like to emphasise and that is a point which was emphasised by Mr. Nur Ahmed also. After all, you will have to look at the problem from a comprehensive point of view. It is not fair to your Services if you take up the Provincial Services only and reduce their salary to a flat maximum of Rs. 500. There are other Services in the country which draw much

higher salaries (Mr. SHRISH CHANDRA CHAKRAVERTI: Those heaven-born services!), and although the powers of the Provincial Government are now limited with regard to the conditions of such Services, yet some comprehensive decision must be reached by Government in regard to all these Services. Then, again, the danger of accepting the resolution as it stands is obvious. If you refer to some of the Technical Services which in previous times were filled by men belonging to the Imperial Services, you will see that those technical services have been reduced to the Provincial Services. It is not possible having regard to the technical qualifications which are required for these Services to fix the maximum salary at Rs. 500 you cannot, therefore, accept a resolution to the effect that the maximum pay with regard to every service will be reduced to Rs. 500.

Then again, there will be the question of the salaries which are to be paid to the members of the Legislature or the travelling allowances paid to them (Mr. AMULYADHONE ROY: And of the salaries of the Ministers). Yes, beginning from the Ministers down to members like my friend Mr. Amulyadhone Roy. These are matters which are to be considered and examined in a comprehensive manner. The average monthly bill which is drawn by a mofussil member of the Legislature comes to about Rs. 400 a month. Now, if you expect that a provincial service officer must not get more than Rs. 500 in any event, naturally we shall also have to consider whether other salaries or emoluments which we pay to other persons should not proportionately be reduced. I can give this assurance to the honourable mover of the resolution that this matter will be considered and a decision will be arrived at. In view of this assurance, I would request the honourable mover to withdraw his resolution.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** After the sympathetic reply made by the Hon'ble the Finance Minister, I have only one point to ask to the Hon'ble Finance Minister, namely, whether he is going to consider and come to a decision on this point before the next budget is presented?

**The Hon'ble Dr. SYAMAPRASAD MOOKERJI:** You mean 1943?

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Yes.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJI:** I think it should be possible to complete the deliberation of this question within a year, unless, of course, something extraordinary happens in the meantime.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** In that case, Sir, I seek permission of the House to withdraw my resolution.

**Mr. PRESIDENT:** Is it the pleasure of the House to grant leave to withdraw the resolution?

The resolution was, by leave of the House, withdrawn.

## NON-OFFICIAL BILLS.

### The Bengal Good Conduct Prisoners Probational and Temporary Release Bill, 1940 (as reported by the Select Committee).

**Mr. NUR AHMED:** I beg to move that the Bengal Good Conduct Prisoners Probational and Temporary Release Bill, 1940, as reported by the Select Committee, be taken into consideration.

Sir, at the time when I moved the motion for reference of this Bill to a Select Committee, I explained the main outline of this very simple Bill. Practically, it is a one-clause Bill with some sub-clauses. It only gives power to the Provincial Government with a proviso to delegate their power to the District Magistrate to release temporarily those prisoners who show good conduct on parole or on security. There is another provision which may be regarded as corollary to that, namely, that on festive occasions persons who are convicted for more than three years may be released on parole to go home to see their near and dear relatives. These are the main provisions of the Bill. In the Select Committee no material change has been made in the Bill. Only a slight change has been made. Almost all the members of the Select Committee unanimously supported the provisions of this Bill, there being only one note of dissent, namely, that of my friend Mr. Abul Quasem. It appears from the Administration Report of the Punjab Government where a similar Act was in force, that this law is working there very satisfactorily. After the inauguration of the Provincial Autonomy, the Congress Governments in Madras, Bombay and the United Provinces passed similar Acts. But there is no such measure in Bengal. I have brought this Bill in order to make up that lacuna and I hope this Bill will be accepted by the House.

**Mr. PRESIDENT:** Motion moved: That the Bengal Good Conduct Prisoners Probational and Temporary Release Bill, 1940, as reported by the Select Committee be taken into consideration.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, I beg to oppose this motion. I will first of all deal with the Statement of Objects and

Reasons. This begins with the slipshod, incomplete and inaccurate statement that persons are sent to prison with a view to their reformation. It is not quite correct. Prisons are maintained by the tax-payer to prevent crime. The first object of a prison is to deprive the offender of his liberty so that he is for the time being prevented from indulging in his criminal tendencies, is punished for the offence which he has committed and by that loss of liberty and that punishment is deterred from repeating his crime. Punishment is an essential feature of the criminal administration of which prison is only a part. One would think to hear some of the nonsense that is talked nowadays that as soon as a citizen is declared to be a criminal by conviction in a criminal court, he should at once be provided free by the State with comfortable lodging, good food, recreations, free education and vocational training and be given a State grant to set him up in business when released. It is quite true that the prison regime should not and need not be so severe and so soul-less that the prisoner is exposed to mental or physical deterioration. Once an offender has been deprived of his liberty and subjected to the discipline of the institution, healthy physical and mental activties are being encouraged and reformation of character attempted but the main deterrent factor, both for the prisoner and for those who might be tempted to follow his example, is the deprivation of liberty by an order of a judicial tribunal. It is mitigation of this deprivation of liberty that the Bill seeks to bring about. Under section 401 of the Criminal Procedure Code the Provincial Government already has the power to release prisoners with or without conditions for limited or unlimited periods by means of suspension or remission of sentences. This power is used most frequently to enable a sick prisoner to be given treatment in a hospital or to modify the sentences which have been passed by the courts, on the advice of specially-constituted Advisory Boards, which are bodies, containing Judges, Magistrates, the jail officials and jail visitors whose recommendations are made to Government after considering the views of the District authorities, subject to the proviso that such powers to vary judicial sentences by executive order should only be exercised in exceptional cases or after very careful consideration by responsible authorities. It may be said that the principle of the Bill has already been accepted by Government and is in practical operation. There are, for all practical purposes, only the following new departures in the proposed Bill—

(1) the idea of prisoners being let out on leave to visit their homes for short periods and return to serve out sentences.

(2) The provision of some form of license.

(3) The delegation to a subordinate authority of the Provincial Government's power of release or suspension.

As regards (1), the main justification, if any, for the proposal, is the severe effect on the mental and physical conditions of a prisoner of the deprivation of family life, particularly the interruption of the normal sex life, and I think it is an admitted fact that a great deal of petty trouble in jails can be traced to this source. On the other hand, we must come back to the original proposition that it is this deprivation of liberty which is the essence of punishment, and enables the courts to protect the public against unrestrained criminal activities.

The use of this power not only requires very careful consideration before it is introduced at all, but would need the most careful watching after introduction. If its exercise were placed in the hands of jail officials alone, even if it were exercised by the Inspector-General on the recommendation of Superintendents, even then, I say, it would be putting into their hands a power which would expose them to very considerable temptations as well as responsibilities. Some sort of check would have to be exercised, I have little doubt, by the Provincial Government, who might just as well issue orders of release or suspension and prescribe conditions under section 401 of the Criminal Procedure Code. It also seems to me that to prescribe a license has no advantages over passing orders containing specific conditions under section 401 of the Criminal Procedure Code, while to place the prisoner under the care of religious bodies or charitable societies after release has no advantages, in practice, over the organisation of Prisoners Aid and Aftercare Committees, the stimulation and financing of which is at present being examined. My conclusion is, therefore—

(1) that the idea of the remission or suspension of sentences is already accepted,

(2) that adequate powers are already provided by section 401 of the Criminal Procedure Code,

(3) that it is not desirable that the power to suspend or remit should be delegated by the Provincial Government, it is better that such power should be exercised by the Provincial Government on the advice of properly-constituted Advisory Boards,

(4) that in this view the Bill is unnecessary,

(5) that its passage could only have the effect of lessening in the public mind the deterrent value of imprisonment without providing any additional facility for the Provincial Government to deal correctly with individual cases as necessity arises.

On these considerations, I oppose this motion.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I rise to support the motion for consideration. We are living in a

civilised world. Bengal is supposed to be the premier province of India. In every other province this sort of legislation has been passed to provide for humane treatment to the prisoners. In Bengal we have not got any Bill of this nature. The principle of this Bill was accepted by the last Government inasmuch as it was sent to a Select Committee by them. It is not understood how the present Ministry which calls itself progressive wants to thwart it. When every other province has adopted a Bill of a similar nature, I do not see any reason why in Bengal we should be told that the powers would be abused by the jail authorities, the Superintendents of Police or the Inspector-General of Police, as has been stated by the Hon'ble the Home Minister. Sir, we all know that justice should be meted out to the prisoners, but in meting out justice to them we should remember that justice must be tempered with mercy. We know many people go to jail who are not very bad originally but under some circumstances they are forced to go to jail. Even very good citizens under special circumstances have to go to jail. They are an object of pity in many cases but is it possible for those people to move the Provincial Government for getting release in individual cases? It is a hopeless task. Section 401 of the Criminal Procedure Code prevails in other provinces too, but in spite of that the other provinces thought it necessary that a provision like this ought to be made and that District Magistrate should be delegated power to deal with individual cases after receiving reports and fully satisfying themselves that the behaviour of the prisoners whom they were going to let off temporarily or permanently on license was satisfactory. I do not know, Sir, what object can there be in opposing a Bill of this nature after it has been approved by a Select Committee. I think it will be an act of sheer injustice and will be against all ideas of progress to oppose a Bill of this nature. With these words, I support the motion for consideration of the Bill.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, I rise to oppose the motion for consideration of the Bill, and my grounds are these: that enough powers are given in the Code of Criminal Procedure and prisoners by good conduct can under our Jail Code earn remission of their term of imprisonment. So it will be seen that encouragement to good conduct is given by the provisions of the Jail Code as well as in the Criminal Procedure Code——

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Then, why, in spite of this, other provinces have enacted such a statute as this?

**Khan Bahadur NAZIRUDDIN AHMAD:** Well, Sir, Bengal should lead and not be led by what other provinces have done. In fact, I think that these provinces have not fully taken into consideration the procedure laid down in the Criminal Procedure Code.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Have you seen the Acts of the other provinces?

**Khan Bahadur NAZIRUDDIN AHMAD:** Yes, the position has by now been thoroughly examined with reference to those Acts. The Punjab Act and another Provincial Act have been examined with reference to the existing provisions of the Criminal Procedure Code and our Jail Code and it has been found that the existing provisions are adequate. In these circumstances, it is not at all necessary to create any further complications in the law; and besides it will not be to the best interests of the country. In these circumstances, I oppose the motion.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, my esteemed friend Mr. Nur Ahmed has referred to provinces where such a law has been passed. I may mention in this connection that it appears from the record that when my predecessor in office, Sir Nazimuddin, accepted the Select Committee motion, he had expressed a hope that he would be able to persuade my friend Mr. Nur Ahmed to withdraw the Bill. Although the portfolio has changed hands, yet that desire and that hope still exist and I also thought that I would be able to induce my friend not to proceed with the Bill. But since he has chosen to take another path, namely, the path of pressing the Bill, I have no other alternative but to oppose it on the ground that I have indicated.

**Mr. PRESIDENT:** The question before the House is: that the Bengal Good Conduct Prisoners Probational and Temporary Release Bill, 1940, as reported by the Select Committee, be taken into consideration.

(The motion was negatived.)

## The Bengal Local Self-Government (Amendment) Bill, 1937.

**Mr. HUMAYUN KABIR:** Sir, I beg to move that the Bengal Local Self-Government (Amendment) Bill, 1937, be taken into consideration.

Sir, as the Ministry has changed, in fact it has changed three times since this Bill was first sponsored in this House, I hope the House will pardon me if I go over the principles of the Bill very briefly. I will not take a long time, specially in view of the fact that the Hon'ble Minister to whose department the Bill relates has held out hopes that the principles of the Bill are going to be accepted by him and that the Bill may be referred to a Select Committee where the particular provisions might be threshed out. Sir, it is symptomatic of the change that has taken place in the Ministry that I can to-day

confidently expect that this Bill will be referred to a Select Committee, for the Ministry that was in power before was opposed to this Bill. Sir, this Bill is one of the earliest Bills introduced in either House of the Legislature—and one of the most interesting features in its history is that in the course of the last 5 years, there has been an almost revolutionary change in the public opinion with regard to it. Sir, when I first moved this Bill in 1937, it was sent into circulation for eliciting opinion. At that time opinion *against* it was almost unanimous. In the course of these five years, that opinion has changed and the opinion *in favour* of this Bill is almost unanimous to-day. You will remember that when the Bill came up before this House on the last occasion, I read large extracts from opinions of all types—from Government officers, from public men, from public and local bodies, and they were almost unanimous that if not this Bill, some similar Bill should be placed on the Statute Book.

The first principle underlying this Bill is that franchise should be extended to all adult males. I think that on principle no member of the House can object to that proposition. But if there be any practical difficulty in the way of giving franchise to each and every adult male, we can find a *via media* in the Select Committee and compromises are more easily effected there than on the floor of the House.

Sir, the second principle which this Bill embodies is the introduction of the system of secret ballot in elections. Here again, Sir, nobody in this House can oppose it. One of the notorious facts in the election of local bodies is that in many cases, owing to the absence of the secret ballot, elections are turned into a farce. Where there is an influential person in the locality, he can have the election carried out in a manner suited to his choice. I think the principle of secret ballot should have the support of every one in this House.

The third principle which underlies this Bill is the provision for the total abolition of nomination. If total abolition is considered as too revolutionary, in the Select Committee we can modify it and provide for further curtailment of the nomination system. At one time we had half the members nominated. Then, there was curtailment and the number of nominated members decreased and to-day it is one-third. There is no reason why it should not now be further curtailed and nominations being provided for those cases only where it may be found necessary for safeguarding certain minority interests. There is no reason why we should not limit the system of nomination to such cases. With regard to the representation of minority interests, I would make a suggestion. Members of the Legislature might be made ex-officio members of local bodies in their respective areas. If this is done, it will to a great extent meet the demand of minority representation in local bodies. This and other changes can, however, be made in the Select Committee.

There is another principle embodied in this Bill which, I hope, I will be able to persuade the Select Committee to adopt in its entirety, viz., differentiation between the functions of the members of the Legislature and members of the local bodies. To-day there was a reference to this when the Hon'ble Minister for Local Self-Government and Civil Defence pointed out that a Chairman of a municipality is unable to discharge his duties as Chairman from the centre where he is summoned to perform his legislative functions. This curtails his local activities at a time when his presence is very necessary there, as he is attending to the legislative business of the province. Now, Sir, most of the members of the Legislature have to spend 4 to 5 months in the year in Calcutta on account of legislative work. Unless differentiation is made between the functions of the Chairmen of local bodies and members of the Legislature, both the work of the Legislature and of the local bodies will suffer. I do not know what view the Select Committee will take in regard to this matter. But at any rate we must make a move in the cooler atmosphere of the Select Committee where compromise can be more easily effected. We can examine the point in the Select Committee, and determine if we can differentiate the functions which are to be performed in the Legislature and in the local bodies.

Sir, there is also the question of the representation of special interests like the industrial interests and other interests. I understand that some of my European friends and other trade interests are concerned over these. This question might also be examined by the Select Committee. I would feel very happy, indeed, if the amendment for reference of this Bill to a Select Committee is accepted by the House and I hope that in the cooler atmosphere of the Select Committee we would be able to change the Bill into a really useful measure for the reform of Self-Government in Bengal.

**Mr. PRESIDENT:** Under rule 53 of the Bengal Legislative Council Procedure Rules Mr. Kabir's motion is out of order. Sub-rule (*4*) reads: "Where a motion that the Bill be circulated for the purpose of eliciting opinion is carried in the Council and the Bill is circulated in accordance with that direction, and opinions have been received thereon before the date mentioned in the motion, the member in charge of the Bill, if he wishes to proceed with the Bill thereafter, must move that the Bill be referred to the Committee of the whole Chamber or to a Select Committee, unless the President in the exercise of his power to suspend this order allows a motion to be made that the Bill be taken into consideration". Now, in this case the honourable member has not asked for the suspension of the above rule by the President and has not obtained the necessary permission to enable him to move that this Bill be taken into consideration.

**Mr. HUMAYUN KABIR:** May I make a submission, Sir? In the letter in which the notice was sent to you I submitted that the provisions of sub-rule (*4*) of rule 53 of the Bengal Legislative Council Procedure Rules might be suspended and I might be allowed to move that the Bill be taken into consideration in view of the fact that it had been before the House for nearly five years. When I found it on the Order paper, I understood that you had given me necessary permission.

**Mr. PRESIDENT:** The proper procedure is for the honourable member to formally move for such permission and suspension of the rules on the floor of the House, so that the House may have an opportunity, if it so desires, to object to the suspension of the rule. However, in this particular case, I suspend the rule and allow you to move your motion.

**Mr. HUMAYUN KABIR:** Sir, I move that the rule referred to might be suspended and I might be allowed to move this motion as it is on the order paper?

**Mr. PRESIDENT:** I allow you to move the motion as a special case. Sub-rule (*4*) of rule 53 is suspended in this case.

Motion moved—That the Bengal Local Self-Government (Amendment) Bill, 1937, be taken into consideration.

**Khan Bahadur NAZIRUDDIN AHMAD:** May I move the next motion, rather the next amendment which stands in the name of Khan Bahadur Rezzaqul Haider Chowdhury?

**Mr. PRESIDENT:** This shows carelessness on the part of the members. The honourable member has given notice of this amendment just now on the floor of the House. It is not ordinarily allowed but as a special case, unless there is objection from anybody, I shall allow the amendment.

(After some pause) I take it that there is no objection. Yes, Khan Bahadur.

**Khan Bahadur NAZIRUDDIN AHMAD (on behalf of Khan Bahadur Rezzaqul Haider Chowdhury):** Before moving this I want to make a slight verbal alteration in respect of the date by which the Select Committee will submit its report. I want to change it from 30th July, 1942, to 31st October, 1942, just a verbal change, Sir.

**Mr. PRESIDENT:** All right.

**Khan Bahadur NAZIRUDDIN AHMAD (on behalf of Khan Bahadur Rezzaqul Haider Chowdhury):** Sir, I beg to move—

That the Bengal Local Self-Government (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Santosh Kumar Basu, Minister in charge of the Public Health and Local Self-Government Department,

(2) Khan Bahadur Naziruddin Ahmad,

(3) Mr. Humayun Kabir,

(4) Mr. Nur Ahmed,

(5) Mr. Dhirendra Lal Barua,

(6) Mr. J. B. Ross,

(7) Mr. Naresh Nath Mookerjee,

(8) Khan Sahib Abdul Hamid Chowdhury,

(9) Rai Sahib Jatindra Mohan Sen, and

(10) the mover,

with instructions to submit their report by the 31st October, 1942.

Sir, in commending this motion to the acceptance of the House I have to say that the Bill embodies certain new principles and new departures from the established state of things. These points should require very careful consideration by the members of the Select Committee. For instance, there is the suggestion that in case nominations are completely withdrawn, some special interests should be given some special seats.

**Mr. PRESIDENT:** In the motion just moved by you there is no mention about quorum?

**Khan Bahadur NAZIRUDDIN AHMAD:** There is the rule to provide for it, Sir, that the number of members constituting a quorum shall be four. In order to give fuller and detailed consideration to the various questions which would arise, I have moved only for the Select Committee. Therefore, the entire question should be thoroughly examined and necessary decisions arrived at. I hope my motion will be accepted.

**Mr. PRESIDENT:** Motion moved: That the Bengal Local Self-Government (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Santosh Kumar Basu, Minister in charge of the Public Health and Local Self-Government Department,

(2) Khan Bahadur Naziruddin Ahmad,
(3) Mr. Humayun Kabir,
(4) Mr. Nur Ahmed,
(5) Mr. Dhirendra Lal Barua,
(6) Mr. J. B. Ross,
(7) Mr. Naresh Nath Mookerjee,
(8) Khan Sahib Abdul Hamid Chowdhury,
(9) Rai Sahib Jatindra Mohan Sen, and
(10) the mover,

with instructions to submit their report by the 31st October, 1942, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

**Mr. HUMAYUN KABIR:** May I propose one more name to be added, Sir?

**Mr. PRESIDENT:** No, Order, order.

**Mr. W. B. G. LAIDLAW:** I am sorry to find myself in opposition to the motion for consideration and the motion for reference to a Select Committee. My attitude towards a question like this is that it involves very wide issues which should not be the subject, on principle, of a private member's Bill and which should rather come from the Government. And secondly, on the question of the substance of the Bill nobody will deny that nomination has in the past fulfilled a much-needed want inasmuch as it has provided representation for minorities and while India has been in a state of industrial development it has provided a means of giving representation to industrial interests. Both of these have been very necessary and before introducing any measure which abolishes nomination it is essential that some substitute should be provided for. Our own particular interest requires us to insist that there should be some provision for representing industrial interests.

With these few words I have, with much regret, to oppose both the motions.

**Khan Bahadur ATAUR RAHMAN:** Sir, I cannot agree with my honourable friend Mr. W. B. G. Laidlaw that this Bill being a private member's Bill cannot be introduced particularly because he thinks that the system of nomination is necessary. Nomination really has a very demoralising effect and it should be abolished as early as possible. If the administration of the provincial governments and Central Government can be run with the system of election only without any

nomination, I do not think there can be any objection to the passing of a Bill like this. The Local Self-Government Act is a very old Act and it is time that this Act is changed and altered. We should not remain in the "sleepy hollow": we must move forward and as a progressive Government, it is the duty of the present Ministry to take up this Bill as early as possible. If Mr. Humayun Kabir's Bill is not in form, I do not see any reason why dilatory tactics should be followed, namely, circulating and re-circulating it. To circulate this Bill once again would be a sheer waste of Government money. This Bill should not be opposed simply because it is a private member's Bill.

With these few words, I support the motion.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** We on this side of the House support the object of the Bill but as regards a Bill of this nature which deals not only with the abolition of nomination but other matters also, I think it is only fit and proper that Government should consider the whole question and bring a comprehensive Bill as has been suggested by Mr. W. B. G. Laidlaw. We are of the opinion that the present Bill should not be sent to a Select Committee, because by sending a Bill to a Select Committee we accept the entire principle of the Bill. I think Government should attempt to bring forward a comprehensive Bill dealing with the whole question after eliciting opinion from all parties interested.

With these few words, I oppose the motion for reference of this Bill to a Select Committee.

**Mr. SHRISH CHANDRA CHAKRAVERTI:** Sir, I see from the personnel of the Select Committee on this Bill that the Opposition is almost unrepresented. So, we do not want to be associated in any way with the Select Committee or with the principle of the Bill.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** I find, Sir, that the original intention of the Government to ask for re-circulation of the Bill has to be modified to a certain extent in view of the very important issue which has been raised in the Bill and which has often been supported by different sections of this House. In these circumstances, I consider it necessary to have this question thoroughly considered by a Select Committee and to give the Select Committee a sufficiently long time to formulate its decisions for presentation before the House. I fully recognise the force of the observations which have been made by my esteemed friend Mr. Laidlaw and also by the honourable the Leader of the Opposition, that these are matters of very far-reaching importance and that, therefore it should be left to the Government to formulate their policy by bringing forward an official Bill of their own.

I may inform the House that Government has undertaken a comprehensive amendment of the Bengal Municipal Act, but I do not think that it will in any respect be harmful if a representative Committee of this House considers these questions in some detail. If it is found that the suggestions made in the Bill itself have got to undergo some substantial modification in the light of the discussions held in the Select Committee, then I am sure the Committee will modify the Bill to that extent and in that direction. If, in the meantime, it appears to the Select Committee that a comprehensive Bill sponsored by Government would be a better method of dealing with the question, I think the Select Committee itself will advise Government to that effect. Under these circumstances, I am glad to accept the amendment moved by my esteemed friend Khan Bahadur Naziruddin Ahmad.

**Mr. HUMAYUN KABIR:** Sir, may I with your permission propose an additional name for the Select Committee?

**Mr. PRESIDENT:** Order, order. The Chair cannot allow piecemeal amendments being moved, as discussion on the Bill proceeds. I will now put the question.

The question before the House is: that the Bengal Local Self-Government (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Santosh Kumar Basu, Minister in charge of the Public Health and Local Self-Government Department,
(2) Khan Bahadur Rezzaqul Haider Chowdhury,
(3) Mr. Humayun Kabir,
(4) Mr. Nur Ahmed,
(5) Mr. Dhirendra Lal Barua,
(6) Mr. J. B. Ross,
(7) Mr. Naresh Nath Mookerjee,
(8) Khan Sahib Abdul Hamid Chowdhury,
(9) Rai Sahib Jatindra Mohan Sen, and
(10) the mover,

with instructions to submit their report by the 31st October, 1942, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

(The motion was agreed to.)

## The Bengal Hindu Women's Rights to Agricultural Land Bill, 1941.

**Khan Bahadur NAZIRUDDIN AHMAD:** I do not move my Bill, Sir.

## The Code of Criminal Procedure (Bengal Amendment) Bill, 1941.

**Mr. NUR AHMED:** Sir, I beg to move that the Code of Criminal Procedure (Bengal Amendment) Bill, 1941, be taken into consideration.

Sir, this is a one-clause Bill which wants to check one of the growing abuses which affect the public life of Bengal. This Bill seeks to take out section 171(*f*) from the category of section 196 of the Criminal Procedure Code. Section 196 provides that without the sanction of the provincial Government no action for false personation can be taken in any election. It is a well-known fact that the widening of the franchise has caused abuses in numerous elections. And cases of false personation are very frequent and are on the increase. After the general election in connection with the Bengal Legislative Assembly and the Bengal Legislative Council, it appears from the reports that there were many cases of false personation. The main purport of this Bill is that any person who is found making false personation can be arrested by any police officer or by the polling officer. The law, as it now stands, provides that the polling officer or the police on duty cannot effect any arrest in case of a false personation unless he secures the sanction of the provincial Government and then with a warrant from the proper authority he can arrest the person. But if a person is caught redhanded while actually committing this offence, he cannot be arrested under the present rules. So, no action could be taken by the polling officer against the person concerned. I think it is a very simple Bill which wants to purify the public life of Bengal. So, I hope I can count upon the support of every section of the House.

**Mr. PRESIDENT:** Motion moved that the Code of Criminal Procedure (Bengal Amendment) Bill, 1941, be taken into consideration.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, I rise to oppose the motion. The reasons are very simple. The principle embodied in this Bill is of a revolutionary character. The Indian Penal Code provides for offences relating to false personation in elections. It is a non-cognizable offence: that is, that the police cannot now arrest any offender without warrant. But the Bill attempts to make a revolutionary change: it would make false personation a cognizable offence. Now, Sir, if the principle of this Bill is accepted then even a constable will be competent to arrest any person on a charge of personation without a warrant. In no province in India there is any such provision of a revolutionary character. In England also these offences are treated as non-cognizable offences. Then, Sir, there is another difficulty, that is, that if arrests are made at the time of an election by the police, it may lead to serious breaches of the peace and even to riots. We know that even milder measures taken by the police have led to riots. In

the circumstances, this being a novel provision, of which there is nowhere any parallel, I beg to oppose it. Moreover it would introduce much confusion and troubles at the polling booths. So these offences should be dealt with by the court as ordinary offences. There is no point in allowing the police in interfering with the elections. The offender is known: his address is known and he might be dealt with in the ordinary course without rushing for his arrest. In these circumstances, the Bill should be opposed on these grounds.

**Mr. NUR AHMED:** In reply to my honourable friend Khan Bahadur Naziruddin Ahmad I beg to submit that this Bill wants to purify the public life of Bengal. One point has been raised that it is a revolutionary power—power given to police officer to arrest any person. But, Sir, it is necessary that corruption should be checked anyhow. Police has been given power to arrest any person in cognizable cases and although the offence of false personation is on the increase, no steps are being taken to check it. I do not see any difficulty in making this provision. There is another difficulty and that is that the court cannot take cognizance of any offence without the sanction of the provincial Government. Even no criminal case can be instituted without the sanction of the provincial Government and that, I think, is a very long procedure. I think at least the Bill should be circulated for the purpose of eliciting opinion as this is a very important matter which concerns the public life of Bengal.

**Mr. PRESIDENT:** The question before the House is: That the Code of Criminal Procedure (Bengal Amendment) Bill, 1941, be taken into consideration.

(The motion was negatived.)

## The Bengal Municipal (Amendment) Bill, 1941.

**Mr. NUR AHMED:** Sir, I beg to move that the Bengal Municipal (Amendment) Bill, 1941, be taken into consideration.

Sir, this is a Bill which seeks to make good some lacuna in the present Municipal Act of 1932. First, it seeks to give power to the municipal bodies to regulate the setting up of factories within municipal areas. As the law at present stands, there is no section under which the municipal commissioners can control and regulate the erection of factories. The only power that has been given to them is in respect of erection of houses but that power also is limited. As a result of that, factories are being erected even in the midst of the town which affect the sanitation and health of the town. So, this power sought for in this Bill is necessary. Then, there is another clause in the Bill

which deals with another aspect of the matter and that is the regulation of prostitution within municipal areas. That clause seeks to give only power to the municipality to select some areas where only prostitutes can be allowed to take their residence. Another clause relates to cinema shows and other things. As the law stands at present, power is given to the District Magistrates to issue licences and there is no power to the municipal commissioners to control that. As a result of that, sometimes it happens that there is a difference between the municipal commissioners and the District Magistrate and there are instances where in spite of the strong protest of the municipal commissioners, licences were given to cinemas, carnival shows and other things. I think that power should be given to the municipal commissioners to regulate cinema shows, carnival shows and such other things. These are the main clauses of the Bill and these powers are necessary for the proper working of the local self-governing bodies in Bengal.

With these words, Sir, I commend my motion to the acceptance of the House.

**Mr. PRESIDENT:** Motion moved: That the Bengal Municipal (Amendment) Bill, 1941, be taken into consideration.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, I beg to oppose this motion also. The Bill introduces certain novel principles. By clause 5, it is provided that if new factories are to be erected it must receive first of all the primary consent of the municipality. I fear that, this power of giving previous consent, might be utilized for the purpose of blackmail—of course I am not thinking of the type of municipality which is run by my honourable friend Mr. Nur Ahmed but there are municipalities and municipalities. So far as the next proposed section is concerned, it proposes that cinematograph performances, dramatic performances, circus performances, carnival shows, pantomimes, etc., cannot be allowed to go on in a town without a municipal licence. Here also the power could be exercised arbitrarily or for blackmail and for various other purposes. In the next proposed section it is laid down that even after the issue of a licence, whenever it appears that any place so registered or licensed is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the licensee may be punished by the municipal commissioners. This also attempts to confer drastic powers on the municipality who will be the sole judge to find out whether a particular place is proving a nuisance or not. The municipalities might intervene anywhere and use these drastic power oppressively. The next section proposes to make penal the profession of begging which in India is used by many persons as a means of their livelihood. The next one attempts to penalise the keeping of brothels and prostitution. This is also revolutionary. I submit that

the subject is already covered by the Bengal Immoral Traffic Act of 1933 and Eastern Bengal and Assam Disorderly Houses Act. The Bill has multifarious objects and will be in conflict or at variance with some existing Acts. It is noticeable that nowhere the brothel-keeping and prostitution have been dealt with successfully by penalty. No attempt has been successful to eradicate brothels by penalising them. The next section deals with procedure. The Bill affects civil rights and cannot be accepted in its present form but I am instructed to inform the House that the matter is receiving the consideration of Government and a comprehensive Bill would be introduced covering some of these matters though not exactly on the same lines. Government would reserve to themselves the right to consider things on their own merit in individual cases and I submit that a proper Bill would be introduced in due course.

With these few words I submit that the Bill should be withdrawn on this assurance.

**Maulvi ABUL QUASEM:** Sir, I had no intention whatsoever to speak on this Bill but certain remarks of my friend Khan Bahadur Naziruddin Ahmad have stimulated my desire to speak. He has made certain observations which show that the municipalities do not properly use or rather they abuse the powers vested in them. If that is so, there is a case for a Bill to dissolve all the municipalities. The municipalities under the Bengal Municipal Act possess vast powers and the municipal commissioners, generally speaking, are discharging their onerous duties to the satisfaction of the public and of the Government (Khan Bahadur NAZIRUDDIN AHMAD: To their own satisfaction). That shows that my honourable friend does not want that the commissioners should be trusted with powers that should properly be given to them. He appears to be of the opinion that the municipal commissioners should not be given the power to grant licenses in respect of carnivals, circuses, bioscopes and other amusements, because he says that the power will be used to blackmail the applicants for licenses. That is to say, the municipal commissioners, according to my friend, will be more concerned to see that substantial arguments are addressed to their pockets than to consider the applications for license disinterestedly and from the point of view of public good. This, Sir, is a libel against our own countrymen and I emphatically protest against the spirit in which he has criticised the municipal commissioners. My friend says that powers such as those proposed in the Bill should not be given to these commissioners; but he forgets that they already possess more serious powers than those proposed in the Bill. As I have already said, if my friend is rooted in the opinion he has expressed, he may bring in a Bill for dissolving all the municipalities. But it is not fair or just or true to say that our countrymen cannot be trusted with serious powers. The chairmen and commissioners of all

the municipalities are certainly not all bad people. There may be some bad people among them; but certainly the vast majority of them do not deserve these criticisms. However, Sir, Government have given the assurance that they will bring a comprehensive Bill covering all these matters. Now it rests with the honourable mover of this Bill to consider whether he will withdraw his Bill in view of this assurance by Government.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Sir, I fully appreciate the protest which has been voiced by my friend Mr. Quasem but I am sure the protest is against something of a somewhat imaginary character. He is probably fighting a shadow. I am sure that Khan Bahadur Naziruddin will be the last person to cast any aspersion upon the vast body of municipal commissioners in this province who are discharging their duties to the best of their ability. I do not think that the Khan Bahadur intended it, even if he said so. But I am perfectly sure that that is not the point of view of the Government, and Khan Bahadur Naziruddin could not have expressed any such view on behalf of Government. As I have already said that he has not expressed any such view in point of fact. (Khan Bahadur NAZIRUDDIN AHMAD: I said nothing of the kind). At the same time, he is perfectly correct when he says that there are municipalities which had far better be superseded, although Government have so far been very cautious and extremely reluctant to adopt that drastic course of action with regard to any municipality. But from that it does not necessarily follow that those municipalities are discharging their functions in the way they should be discharged. This I say, however, by way of a general observation on what has been said in course of the debate by my friend Mr. Quasem. So far as the subject-matter of the present Bill is concerned, it only seeks to touch a few of the problems which confront our municipalities but leave aside many of the problems, which have to be dealt with by some other legislative measure. Under these circumstances I think I should request my honourable friend to withdraw his Bill, particularly in view of the fact that Government is dealing with and intend to bring forward a comprehensive legislation by amending the existing Bengal Municipal Act. These are matters which do require serious consideration and I think that when the bigger Bill will be placed on the legislative anvil, it will be possible for Government to deal with these matters in a practical fashion. And if they are convinced that these are matters which require to be dealt with in a comprehensive Bill, then I can assure my esteemed friend that this Bill of his will have served a useful purpose by bringing these matters to the pointed attention of Government.

**Mr. NUR AHMED:** Sir, in view of the observations that have fallen from the Hon'ble Minister, I beg to withdraw my motion.

**Mr. PRESIDENT:** Is it the pleasure of the House to grant the honourable member leave to withdraw his motion?

(The motion of Mr. Nur Ahmed was, by leave of the House, withdrawn.)

## The Bengal Jute Regulation (Amendment) Bill, 1941.

**Mr. NUR AHMED:** Sir, I beg to move that the Bengal Jute Regulation (Amendment) Bill, 1941, be taken into consideration.

Sir, it is a one-clause Bill only which aims at taking the cultivation of jute for domestic use outside the purview of the Jute Regulation Act. As that Act stands at present, it covers both cultivation of jute for sale as well for domestic use. In Chittagong, jute is not grown very much for sale; only a small quantity is grown for sale as well as for domestic use. Now this small quantity will also come under the provisions of this Act and all the conditions will have to be fulfilled by the cultivators. The cultivators who grow jute for domestic use here do so on very small tracts of land, only one *kani* or two, and the provisions of this Act are causing great hardship to these people. Government also has to spend a large sum of money on the regulation of jute cultivation in Chittagong where much jute is not grown. I find that a similar Bill has been brought forward by my learned friend Mr. Humayun Kabir. So I think this matter should be given a consideration and my motion should be accepted.

**Mr. PRESIDENT:** Motion moved: that the Bengal Jute Regulation (Amendment) Bill, 1941, be taken into consideration.

**Mr. HUMAYUN KABIR:** Sir, my honourable friend, the mover of this Bill, has made a reference to me in connection with a Bill of a similar nature which I had moved. I think that he has not read the Bill which I introduced, for that Bill does not deal with the question of production of jute for the private consumption of cultivators. My Bill refers to an entirely different question. My difficulty with regard to this Bill is that the mover has not defined what he means by the term "private consumption". How would we distinguish the jute which has been ear-marked for private consumption from the jute which would be thrown into the market for sale? If he could define this, then I am sure that we on this side of the House would be able to accept the Bill. So far as I have read his Bill, Sir, there is no attempt in it to differentiate between the two types of jute, and so far as I am aware it is not possible to differentiate between the two. Sir, I understand that Government have a scheme by which a certain minimum area may be given to cultivators which will not come under

the restriction scheme and that is under the examination of Government. But how is it possible to estimate the demand of jute by individual cultivator for domestic purposes? How my honourable friend will do this and how he will prevent a cultivator from bringing to the market jute which he has grown ostensibly for the purpose of his domestic use, is more than I can tell. Until these things are assured, if this Bill is carried into effect, it will frustrate the whole jute scheme which was formulated by the last Government. When we opposed part of that scheme during the regime of the last Government, we did so because we were opposed to particular items and the particular methods by which the regulation was sought to be enforced. Some of our criticisms were accepted by the last Government and our suggestions were embodied in the new regulations issued to the jute cultivators. But, Sir, this question about production of jute for private and domestic consumption has not been examined and it seems to me that it is almost impossible to define it. If, that can be defined, I am sure there will not be any difficulty in accepting the Bill.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, I also rise to oppose the Bill. It is only the other day that the Legislature accepted the principle of jute regulation by an Act. This Bill attempts to introduce a big loophole in that Act. My honourable friend, the mover, wants to introduce an exception to the principle of restriction in favour of cultivation of jute which, it is supposed, would be grown exclusive for domestic use. Apart from the difficulty of finding out what is for domestic use and what is for sale, this will frustrate the entire policy of the jute regulation. I believe the honourable member attempted to introduce an amendment somewhat on these lines on the last occasion when the parent Bill was passed into law. I may be wrong, and I shall stand corrected if I am wrong; but I remember that an amendment was moved by my honourable friend, on the lines of the present Bill, which was rejected by this House at that time. In the circumstances, I oppose the motion.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** The difficulty pointed out by my friend Mr. Humayun Kabir regarding ascertaining the amount of jute required for domestic purpose can be easily solved. Jute used for domestic purposes is not grown in large areas. It is only grown in ·05 acre of land. So, cultivators growing jute in such a small area may be excluded from the operation of the Jute Regulation Act. I think this will obviate the difficulty raised by my friend Mr. Humayun Kabir. If the Bill is accepted by Government, it would not only do justice to the poorer classes who grow jute but it will save a lot of money to the Government. In Chittagong Government is maintaining a large number of jute staff. There is no necessity for jute staff there as jute is grown there only for domestic

purpose, e.g., for ropes and such other things. If only ·05 are allowed, there is no necessity for restriction and this can be done very easily by Government. If Government consider the desirability of amending the Jute Regulation Act, they might consider this along with other questions.

**Mr. PRESIDENT:** The question before the House is: That the Bengal Jute Regulation (Amendment) Bill, 1941, be taken into consideration.

(The motion was negatived.)

## The Bengal Smoke Nuisance (Amendment) Bill, 1941.

**Mr. NUR AHMED:** I beg to move that the Bengal Smoke Nuisance (Amendment) Bill, 1941, be taken into consideration.

Sir, the Bengal Smoke Nuisance Act was placed on the Statute Book so long ago as 1905. At that time there were only a few industrial enterprises within the urban areas. Since then many urban areas have developed into industrial areas and so it is necessary that the scope of this Bill should be extended to these areas. As for Chittagong, there are large areas where there are many factories and complaints are coming about the smoke nuisance. From the District Administration Report of the Government of Bengal, it appears that in 1940 there were reported about 33 cases coming under that Act. So the whole purpose of this small amending Bill is to extend operation of the Bill to all urban areas. Of course, there is some change in the definition, for example, I have defined "flues" and "chimneys" which do not occur in the old Act of 1905, but this is not so very important. But the main object of this Bill is to extend the provisions of the old Act to all the urban areas. So, I think for the good of public health and sanitation this Bill should be accepted.

**Mr. PRESIDENT:** Motion moved: That the Bengal Smoke Nuisance (Amendment) Bill, 1941, be taken into consideration.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, I rise to oppose the Bill also. The nuisance, referred to in the Bill, certainly exists and there is a certain report which proves its existence. In clause 5 the punishment which the Bill wants to introduce is very drastic, that if ther is any nuisance of any character whatsoever, a Magistrate may impose a fine, and what is more, demolish the furnace, flue or chimney and what not; and such a power is attempted to be given to a Magistrate by this Bill. I submit this is too drastic. The matter is further, of an extremely technical nature. It requires technical

consideration and I believe the Government is considering the problem and how to solve it and in these circumstances, the Bill should be withdrawn. So I beg to oppose the motion.

**Mr. PRESIDENT:** The question before the House is: That the Bengal Smoke Nuisance (Amendment) Bill, 1941, be taken into consideration.

(The motion was negatived.)

## The Bengal Fisheries Bill, 1941.

**Mr. NUR AHMED:** Sir, I beg to move that the Bengal Fisheries Bill, 1941, be taken into consideration.

Sir, this is a Bill which seeks to give power to the Provincial Government to regulate the development of fisheries in Bengal. The main purpose of the Bill is to regulate and protect all fishes in Bengal. As the Government is going to open a department for the purpose of improving fishery I think necessary powers are necessary for the Provincial Government for regulation and development of fisheries in Bengal. With these few words I commend my motion for the acceptance of the House.

**Mr. PRESIDENT:** Motion moved: That the Bengal Fisheries Bill, 1941, be taken into consideration.

**Khan Bahadur NAZIRUDDIN AHMAD:** I am afraid I have to oppose this motion too. I know, Sir, Bills of a prolific character such as this are as plentiful as fish and the problem is attempted to be dealt with only partially; but I think it should be considered on a broader basis. There has been appointed the Director of Fisheries who has only recently taken charge of the department. The difficulty with regard to the terms of the Bill is that the Bill lays down no principles whatsoever. The Bill seeks merely to ask the Government to make rules but it is well known that Rules should be framed on a certain basis which must be provided for or indicated in the Bill. The Bill provides no basis for solving the problem. It simply reiterates certain statement of facts. No provision has been made and no indication has been given as to how the rules are to be framed or as to how things should be done. It only urges Government to make rules. No attempts have been made to solve the problem, so the problem would remain exactly where it was. This is further a highly technical matter and it should receive technical consideration by experts and then a comprehensive Bill should be brought forward by Government who are now engaged in considering this matter.

**Mr. NUR AHMED:** Sir, I wish to say a few words in reply to my honourable friend Khan Bahadur Naziruddin Ahmad. I expected that my Bill would be accepted because fish forms 80 per cent. of food of the people of Bengal. My learned friend has said that I have not indicated how this problem could be tackled or how the fisheries of Bengal could be developed. In fact, Sir, I have indicated how this should be done and if my learned friend takes pain in going through the Bill, he will find that in this Bill I have stated that Government should prohibit fishing in certain areas, of course not public tanks and rivers. Government may also issue licenses for fishing in certain tanks and thereby contribute something out of the money thus realised towards improving the tanks, etc. I have drawn this Bill in line with similar Bills in Madras and the Punjab. This is not a revolutionary Bill, as my learned friend has described it. In every province there is a Bill like this but in Bengal we have none. My friend wants to oppose any and every Bill that we may move, simply because those Bills are being sponsored by the Opposition. That is the attitude taken in regard to all the Bills brought by this side of the House.

**Mr. PRESIDENT:** The question before the House is: That the Bengal Fisheries Bill, 1941, be taken into consideration.

(The motion was negatived.)

## Point of information regarding the Bengal Legislative Council Powers and Privileges Bill, 1939.

**Mr. BANKIM CHANDRA DATTA:** Sir, may I have your leave to mention one important thing? I was trying to catch the eye of the Hon'ble the Chief Minister to get an opportunity to speak in connection with the Bengal Legislative Council Powers and Privileges Bill which I had the honour of sponsoring some time in 1939, but I failed in my attempt. The last Ministry tried to shelve it. As a matter of fact, no attempt was made to restore the Bill to life and in January this year a new committee was appointed but unfortunately, Sir, that committee also has not yet met. I would like to know what is going to be the fate of this Bill. The speech of the Hon'ble the Finance Minister raised new hopes in us when he said that a policy of co-operation, of closer co-operation, with non-officials will be set up. Let me hope, Sir, that this Bill, although sponsored by non-officials, would not share the same fate as it did with the last Cabinet. I would appeal to the Hon'ble the Chief Minister, I would beg of him not to draw so profusely his hopes and desires in this respect from the ex-Home Minister.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, Government propose to bring forward a comprehensive Bill on this subject, and I hope that my honourable friend will be satisfied with this statement.

**Mr. BANKIM CHANDRA DATTA:** When? May I know the time when?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Well, in good time.

**Mr. BANKIM CHANDRA DATTA:** Is it absolutely impossible for the Government to give a definite assurance when they are likely to bring forward a comprehensive Bill? As a matter of fact, we have been hearing of co-operation with non-officials for about two or three months. Sir, it is one of the few non-controversial measures and I do not understand why it should be shelved.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Well, all I can say is that there will be no avoidable delay.

## Point of Information regarding the Bengal Public Gambling (Amendment) Bill, 1941.

**Mr. NUR AHMED:** May I, Sir, with your permission mention one thing, and that is that although my Bengal Public Gambling (Amendment) Bill, was referred to a Select Committee and extension of time was also allowed to the Select Committee for presenting its report by the 31st March, 1942, yet that Select Committee has never met yet?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Here, again, Sir, all that I can say is that the matter will be taken up as soon as possible.

**Mr. PRESIDENT:** The next item on the list is the Bengal Agricultural Debtors' (Amendment) Bill, 1940, standing in the name of Khan Bahadur Saiyed Muazzamuddin Hosain. Will the Khan Bahadur take long over the matter?

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Yes, Sir, I shall take some few minutes.

**Mr. PRESIDENT:** Then I cannot take up the matter now but shall adjourn the House.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** But, Sir, there is no bar to my moving the motion during these one or two minutes that are left, leaving it to be continued on the next Bill day.

**Mr. PRESIDENT:** That would not be very inconvenient, as the time is so short.

The Council stands adjourned till 2-45 p.m. on Monday, the 9th March, 1942.

**Adjournment.**

The Council then adjourned till 2-45 p.m. on Monday, the 9th March, 1942.

**Members Absent.**

The following members were absent from the meeting held on the 6th March, 1942:—

(1) Mr. Kader Baksh.
(2) Rai Bahadur K. C. Banerjee.
(3) Rai Bahadur M. N. Bose.
(4) Mr. Hamidul Huq Chowdhury.
(5) Khan Bahadur Rezzaqul Haider Chowdhury.
(6) Mr. Narendra Chandra Datta.
(7) Mrs. K. D'Rozario.
(8) Mr. K. K. Dutta.
(9) Khan Bahadur Alhaj Khwaja Mohd. Esmail.
(10) Mr. R. W. N. Ferguson.
(11) Mr. Mohamed Hossain.
(12) Khan Bahadur Syed Mohd. Ghaziul Huq.
(13) Khan Bahadur Mohd. Asaf Khan.
(14) Maulana Mohd. Akram Khan.
(15) Sir T. Lamb.
(16) Mr. J. McFarlane.
(17) Khan Sahib Subid Ali Molla.
(18) Dr. R. K. Mookerjee.
(19) Khan Bahadur Mukhlesur Rahaman.
(20) Dr. K. S. Ray.
(21) Mr. J. B. Ross.
(22) Mr. B. K. Roy Chowdhury.
(23) Mr. S. N. Sanyal.
(24) Rai Sahib J. M. Sen.
(25) Raja B. N. Sinha Bahadur.

B. G. Press—1942-43—1297A—750.

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session—No. 12.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 9th March, 1942, at 2-45 p.m., being the twelfth day of the First Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

## QUESTIONS AND ANSWERS

### Rai Bahadur Purnendu Narayan Roy Deb Barma Estate.

***58. Rai Sahib JOGENDRA NATH ROY (on behalf of Rai Sahib Jatindra Mohan Sen):** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether a deposit of two lakhs of rupees in Government promissory notes was made by Rai Bahadur Purnendu Narayan Roy Deb Barma when his estate was taken charge of by the Court of Wards and whether the Government promissory notes were then endorsed by him in favour of the Collector of Dinajpur;

(*b*) whether the Collector cashed Rs.86,800 out of this deposit and obtained two or three drafts for payment to different War Funds through His Excellency the Governor of Bengal when he visited Dinajpur on the 3rd November last without the consent of the Rai Bahadur; if so, the date when it was cashed and the date when the drafts were obtained;

(*c*) whether the Collector of Dinajpur informed Rai Sahib Jatindra Mohan Sen, M.L.C., by his demi-official letter No. 977C., in reply to his No. 245 of the 2nd November last that it was not a fact that Rs.86,800 would be contributed from any funds of the Deb Barma Wards Estate controlled by the Court of Wards to the War Fund on the 3rd and that the Rai Bahadur had given him no indication of a desire to contribute the sum mentioned by Mr. Sen;

*Questions No. 58, 59, 60 and 62 remained outstanding from the Third Session of 1941.

(*d*) whether it is a fact that the Rai Bahadur filed a petition for release of his estate from the Court of Wards on the 28th October, 1941, or thereabout and whether it is a fact that efforts were made prior to and are being made subsequent to his Excellency's visit to Dinajpur, to induce him to withdraw the petition;

(*e*) whether the Collector has forwarded the petition through the Commissioner to the Board of Revenue; if so, when; and if not, why not; and

(*f*) whether the Rai Bahadur has been kept concealed of what order, if any, has been passed by the Collector?

**MINISTER in charge of the REVENUE, JUDICIAL and LEGISLATIVE DEPARTMENTS (the Hon'ble Mr. Pramatha Nath Banerjee):** (*a*) Promissory notes to the face value of Rs. 2,00,000 were deposited by the proprietor, Rai Bahadur Purnendu Narayan Roy Deb Barma, with the Board of Revenue before assumption of charge. The notes were endorsed in favour of the Collector.

(*b*) Two drafts for Rs.75,000 and Rs.10,000 were obtained and cashed on the 30th October, 1941, at the express wish of the Rai Bahadur, conveyed in writing.

(*c*) Yes, Rs.1,200 was contributed from the Estate Funds as desired by the Rai Bahadur and was presented by the Collector with contributions from other proprietors on 3rd November, 1941.

(*d*) The Rai Bahadur filed a petition on the 30th October, 1941, praying for release of his estate from Court's management. No efforts were made either prior to or subsequent to the visit mentioned in the question, to induce the Rai Bahadur to withdraw the petition.

(*e*) and (*f*) The estate has since been released from the management of the Court of Wards.

## Rural credit facilities.

**59. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state if it is a fact that owing to the working of the Debt Settlement Board and of the Money Lenders Act, the rural credit has shrunk considerably and the agriculturists have been suffering much for want of credit facilities and timely loan?

(*b*) If so, have the Government taken any steps to provide easy loan to the agriculturists? If so, what are they?

(*c*) What is the approximate amount of loan that the peasantry of Bengal yearly require to continue these normal cultivations?

(*d*) Will the Hon'ble Minister be pleased to lay on the Table a detailed statement showing the amounts of crop loan, given to different districts in Bengal in the years 1938, 1939 and 1940?

**MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Khan Bahadur Maulvi Hashem Ali Khan):** (*a*) The operation of the Bengal Agricultural Debtors Act or the Bengal Money Lenders Act is not the main factor which brought about the contraction of rural credit. The main factors are the economic depression and past irregularities of the debtors in repayment of loans.

(*b*) Yes, in the shape of crop loans issued to the cultivators.

(*c*) The total annual requirement has been variously estimated, but accurate figures are not available.

(*d*) A statement is laid on the Table.

*Statement referred to in reply to part (d) of question No. 59.*

| District. | Crop loan. 1938. Rs. | 1939. Rs. | 1940. Rs. |
|---|---|---|---|
| 24-Parganas .. | 30,000 | 48,317 | 1,36,073 |
| Nadia .. .. | .. | 59,750 | 1,04,945 |
| Murshidabad .. | .. | 13,089 | 55,736 |
| Jessore .. .. | .. | 61,876 | 1,98,922 |
| Khulna .. .. | 25,000 | 97,652 | 2,45,009 |
| Burdwan .. .. | .. | 5,034 | 18,779 |
| Birbhum .. .. | 25,000 | 13,252 | 23,370 |
| Howrah .. .. | .. | 5,541 | 14,136 |
| Hooghly .. .. | .. | 10,758 | 22,532 |
| Bankura .. .. | .. | 46,772 | 5,676 |
| Midnapore .. .. | .. | 21,584 | 13,515 |
| Dacca .. .. | 13,000 | 2,22,327 | 3,02,341 |
| Mymensingh .. | 7,000 | 2,84,505 | 7,49,313 |
| Barisal .. .. | 30,000 | 1,10,104 | 2,38,074 |
| Faridpur .. .. | 25,000 | 1,52,311 | 2,07,048 |
| Chittagong .. .. | .. | 32,802 | 1,44,813 |
| Noakhali .. .. | 10,000 | 65,568 | 2,90,769 |
| Tippera .. .. | .. | 1,19,123 | 2,61,293 |
| Pabna .. .. | .. | 81,958 | 70,243 |
| Bogra .. .. | .. | 1,09,901 | 1,79,902 |
| Dinajpur .. .. | 20,000 | 1,97,030 | 4,08,525 |
| Rangpur .. .. | 10,000 | 1,41,667 | 3,42,533 |
| Jalpaiguri .. .. | .. | 11,213 | 29,569 |
| Darjeeling .. .. | .. | 13,657 | 20,930 |
| Malda .. .. | 8,000 | 34,554 | 57,753 |
| Rajshahi .. .. | 20,000 | 55,288 | 85,185 |

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** With reference to (*c*) what is the maximum and what is the minimum estimate of the total annual requirements according to the reports received?

**The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN:** I cannot give either the maximum or the minimum estimate of the total loans required but Government granted in 1939 Rs. 20 lakhs, in 1940 Rs. 50 lakhs and for the current year the budget provision was for Rs. 60 lakhs out of which Rs. 42 lakhs has already been distributed.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Does the Hon'ble Minister consider Rs. 42 lakhs sufficient for agricultural loans?

**Mr. PRESIDENT:** That is a matter of opinion.

**Certain recommendations of the Land Revenue Commission.**

**60. Mr. NUR AHMED:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) if his attention has been drawn to the specific recommendations made by the Bengal Land Revenue Commission in paragraphs 205 to 215 and paragraphs 220 to 240 and 299 of the 1st volume of their report at pages 101 to 118 the summary of which is given at pages 177 to 178 of the said report;

(*b*) if so, whether any steps have been taken by him to give effect to any of these recommendations;

(*c*) if so, what are they;

(*d*) if not, why no action has been taken; and

(*e*) whether the Government propose to take any action in future on any of these recommendations; if not, why not?

**MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca):** (*a*) Yes.

(*b*) to (*e*) A statement showing the action taken or proposed to be taken on the recommendations (with the exception of paragraph 299 which concerns the Co-operative Department) is placed in the library.

**European Wards of the Calcutta Medical College Hospitals.**

**61. Mr. KHORSHED ALAM CHOWDHURY:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) what was the number of patients—male and female—in the European Wards of the Calcutta Medical College Hospitals on the 30th November, 1941, and how many of them were Indians;

(*b*) how many of those Indians were Christians;

(*c*) what was the number of Indian Hindus, Muslims, and Parsis on that date;

(*d*) how many of the patients of each of the classes as mentioned in clauses (*b*) and (*c*) were supplied with European diet or English dishes during their stay in hospital;

(*e*) what is the average schedule diet cost per head per diem for Indian and European respectively in the same ward;

(*f*) whether it is a fact that the Indian patients in the European Ward are not supplied with tea even; and

(*g*) how much is spent for a Chinese patient per day in the European Ward for his diet?

**MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Santosh Kumar Basu):** (*a*) There were 198 patients—73 males and 125 females—in the European Wards of the Medical College Hospitals, Calcutta, on 30th November, 1941, of whom 111 were Indians.

(*b*) to (*d*) Not known, as no statistics of patients under these classifications are kept.

(*e*) European—Rs. 1-0-3.

Indian—Rs. 0-8-3.

(*f*) Yes, tea is not an item of the diet prescribed for Indian patients.

(*g*) A Chinese patient is admitted into the European Ward.

**Dr. KUMUD SANKAR RAY:** With reference to answer to question (*f*), is the Hon'ble Minister aware that Indians are just as much addicted to tea-drinking as Europeans?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Well, I am not quite sure but I would ask for advice from the honourable member whether that is a practice or habit which ought to be encouraged?

**Dr. KUMUD SANKAR RAY:** Will the Hon'ble Minister supply tea at least to those who have got the habit?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Well, if that is medically advisable, it may be considered.

### Mr. V. N. Rajan, I.C.S.

**62. Rai Sahib JOGENDRA NATH ROY (on behalf of Rai Sahib JATINDRA MOHAN SEN):** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the date when Mr. V. N. Rajan, I.C.S., joined the district of Dinajpur as District Magistrate;

(*b*) the date when he issued notices on public associations and individual persons to apply to him for sanction to hold public meetings and processions on public thoroughfares;

(*c*) whether these notices were issued under the Defence of India Rules and, if so, under what rule;

(*d*) whether he gave the notices under his own initiative or on the direction of the higher authorities;

(*e*) the reason why he took away the powers of the Superintendent of Police in the matter of the granting licence for processions in public thoroughfares in the district of Dinajpur;

(*f*) whether the Government have taken legal opinion whether the Defence of India Rules are applicable to this matter; and

(*g*) whether any Magistrate of any other district took action in this matter under the Defence of India Rules?

**MINISTER in charge of the HOME and PUBLICITY DEPARTMENTS (the Hon'ble Mr. A. K. Fazlul Huq):** (*a*) 2nd January, 1941.

(*b*) I have no information.

(*c*) In the exercise of powers conferred by Government Order under Defence of India Rule 56.

(*d*) On his own initiative in exercise of these powers.

(*e*) The Superintendent of Police had no power under Defence Rule 56, nor was the Superintendent's power under the Police Act taken away by the District Magistrate.

(*f*) Government obtained legal opinion as to the validity of their orders.

(*g*) Yes.

**Manufacture of paper from water-hyacinth.**

**16. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) what has been the result of investigation carried out for the manufacture of paper from water-hyacinth;

(*b*) whether it is a fact that the price of paper has considerably increased now due to war;

(*c*) whether the locally manufactured paper from water-hyacinth cannot compete with ordinarily manufactured papers; and

(*d*) what is the cost price of a ream of paper prepared from water-hyacinth as compared to the cost of paper otherwise prepared?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** (*a*) A suitable process has been found out after experiment at the Industrial Research Laboratory and it is being tried out on a small scale as a cottage industry. The results so far are promising.

(*b*) Yes.

(*c*) Yes, as a cottage industry.

(*d*) The latest figure for cost price of a ream of hand-made paper based on water-hyacinth as a chief raw material is approximately Re. 3-10 against Rs. 16-10 the present market price of a ream of mill-made paper of the same type.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister kindly say why this has not been then introduced and popularised in all the rural areas where water-hyacinth can be found without any cost and when the difference is so much as Rs. 3-10 and Rs. 16-10?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Sir, as yet it has not been tried anywhere. Government is examining the question of its introduction on a large scale all over Bengal.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister be pleased to state why it has not been examined from the point of view of cottage industry when it has been proved by experiment a great success as a small industry?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Still, Sir, there is the question of machinery and technical experts which will take a fairly long time.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Then does the Hon'ble Minister propose——

**Mr. PRESIDENT:** Order, order. In a supplementary question the honourable member may ask for information on any point. But he should not argue.

**Mr. HUMAYUN KABIR:** Will the Hon'ble Minister be pleased to refer to Orissa Government where they have made experiments on these lines and actually found paper made from water-hyacinth much profitable?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** I shall certainly make enquiries.

### District Magistrate of Jessore.

**19. Mr. AMULYADHONE ROY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he has received any complaints alleging against the conduct of the District Magistrate in charge of the district of Jessore for the months of October to the end of December, 1941? If so, what is the nature of such complaints and allegations?

(*b*) Is it a fact that the said Magistrate has since been transferred from the district, and if so, is it due to such complaints having come to the knowledge of Government?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) No.

(*b*) The answer to the first part of the question is in the affirmative; the second part does not arise, in view of the reply to (*a*).

**Mr. AMULYADHONE ROY:** Will the Hon'ble Minister be pleased to state who was the District Magistrate of the Jessore district during this period?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I cannot answer that.

**Mr. AMULYADHONE ROY:** Am I to assume that the Hon'ble Minister is unable to answer this question or he wants notice?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I do not remember all the names of the District Magistrates posted in Jessore. It is not a question of my being unable to answer this question. If I get notice, I shall answer the question.

**Mr. AMULYADHONE ROY:** I want to know whether the Hon'ble Minister is aware of the fact that the District Magistrate of Jessore during this period while proceeding to Magura in his official capacity severely beat a woman named Lalmati who is a resident of the subdivision of Magura?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I am not aware of this.

**Mr. AMULYADHONE ROY:** Is the Hon'ble Minister aware that the brother of Lalmati was severely dealt with by the District Magistrate?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** No, Sir.

**Mr. AMULYADHONE ROY:** Is the Hon'ble Minister prepared to enquire into this matter?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** If I get time, I will make enquiries and answer.

### Jute Mill strike in Budge Budge areas.

**20. Mr. KRISHNA CHANDRA ROY CHOUDHURY:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*i*) the position of the jute mill strike in Budge Budge and adjacent areas;

(*ii*) the number of mill hands involved in the strike;

(*iii*) the names of jute mills and their managing agents;

(*iv*) number of working days already lost;

(*v*) approximate loss of wages;

(*vi*) the cause of the dispute; and

(*vii*) if any efforts were made by the Labour Commissioner for a conciliation?

(*b*) Is he aware that a petition signed by about 30,000 workmen of seven jute mills, Budge Budge area, under the management of Messrs. Andrew Yule & Co., Ltd., was submitted to the Hon'ble Minister through the Conciliation Officer of Bengal Government Labour Department on the 11th July, 1941, with their grievances regarding inadequate wages and other things?

(*c*) Is it not a fact that the Hon'ble Minister in reply to my question regarding the above petition said in Council on the 22nd August, 1941,

that the petition was being considered by the Conciliation Officer and that he expected that Government would be able to deal with the matter in course of a fortnight?

(*d*) Is it also a fact that for two or three months after 22nd August reminders were given but no steps were taken for conciliation?

(*e*) Is it a fact that the cost of living has gone up more than 33 per cent. since the outbreak of war in September, 1939?

(*f*) Is it a fact that the jute mill employees have not been granted more than 12½ per cent. increase in wages to cover dearness of prices of necessaries of life arising out of the war?

**MINISTER in charge of the COMMERCE and LABOUR and EDUCATION DEPARTMENTS (the Hon'ble Khan Bahadur M. Abdul Karim):** (*a*) (*i*) Work was resumed in all the six mills affected on 16th February.

(*ii*) About 15,000.

(*iii*) Budge Budge, Albion, Lothian, Orient, Cheviot and Caledonian—Managing Agents, Messrs. Andrew Yule & Co.

(*iv*) 405,000.

(*v*) Not known.

(*vi*) The strike was started in support of demands for 25 per cent. wage increases, enhanced dearness allowance of Rs.3 per month, two months' pay in advance, and adequate arrangements for protection from air raids.

(*vii*) Yes. The Labour Commissioner and his subordinate officers kept in close touch throughout.

(*b*) and (*c*) Yes.

(*d*) No reminder is traceable.

(*e*) No. The highest that it touched was on 8th December, 1941, when it mounted to 129. Since then there has been a steady fall. The price index on 25th February, 1942, stood at 123.

(*f*) A 10 per cent. general increase in wages was granted shortly after the outbreak of war and an additional flat rate allowance of Re.1 was granted with effect from June, 1941.

**Mr. HUMAYUN KABIR:** In view of the fact that the index stood at 123, will the Hon'ble Minister consider the desirability of a further increase in wages?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** The Provincial Government are at present engaged in working out the details of a more elaborate organisation for the preparation of cost of living index in collaboration with the Government of India.

**Suspension of business in the High Court during Juma prayers.**

**21. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) whether the Government of Bengal propose to request the Hon'ble Chief Justice of the Calcutta High Court to suspend all business of the High Court for 1½ hours on Friday for enabling Muslim Legal practitioners and litigants to say their *Juma* prayers as is done in all the Courts subordinate to the Calcutta High Court; and

(*b*) if the reply to part (*a*) be in the negative, whether the Government propose to inform the High Court that in the interest of the Muslims of the Province it is desirable that the practice of suspending business of the Courts on Friday during *Juma* prayer, be observed by the Calcutta High Court also?

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** The honourable member is referred to the assurance given by the Hon'ble the Chief Minister in the Council on the 19th February, 1942.

**Land Mortgage Banks.**

**22. Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state how many land mortgage banks have been established in Bengal and what are those places? How many other such banks are going to be started and where will they be started?

(*b*) Is it a fact that strong representation from the leaders of Chittagong was submitted to the Government demanding the establishment of a land mortgage bank there?

(*c*) Is it a fact that the Government definitely promised to start a land mortgage bank at Chittagong?

(*d*) If so, do the Government propose to start a land mortgage bank in Chittagong without further delay? If not, why not?

(*e*) Do the Government propose to adopt a comprehensive policy of establishing more land mortgage banks in Bengal? If not, why not?

**The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN:** (*a*) Five, at Mymensingh, Comilla, Pabna, Jessore and Birbhum. Five more will be started at Burdwan, Khulna, Dacca, Feni and Rajshahi.

(*b*) and (*c*) No.

(*d*) Does not arise.

(*e*) Government propose to see the working of these land mortgage banks before taking up the question of starting additional banks.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister be pleased to state what is the capital of these five land mortgage banks that have been started?

**The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN:** Sir, I want notice.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister be pleased to state what is the principle on which the places were selected where these banks were started?

**The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN:** Principally on the recommendation of the Assistant Registrars and local authorities and District Officers as to the proper sites.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Was no recommendation received from the authorities in the Chittagong district for a land morgage bank there?

**The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN:** No. But Feni has been selected to serve the purpose both of Noakhali and Chittagong.

### Council Representation on the Joint Library Committee.

**Mr. PRESIDENT:** Under rule 2 of the Rules regulating the control and management of the Library of the Bengal Legislature, I re-nominate—

(1) Khan Sahib Abdul Hamid Chowdhury,

(2) Mr. W. B. G. Laidlaw, and

(3) Dr. K. S. Ray,

to represent the Bengal Legislative Council, who with three members of the Bengal Legislative Assembly and one representative of the Legislative Department will form the Joint Library Committee.

**Action taken by Government on Non-official Resolution.**

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** Sir, I beg to inform the House about the action that has been taken on Resolution No. 1 moved by Mr. Nur Ahmed and adopted at a meeting of the Legislative Council on the 28th August, under rule 95(*2*) of the Bengal Legislative Council Procedure Rules.

(*a*) Some of these secondary schools mainly Government high English schools have manual training classes and (*b*) secondary classes attached to them. Agricultural education in non-Government secondary schools in this province on the lines adopted in the Punjab was introduced in the year 1928. Fifty-nine high English and middle English schools are participating in this scheme. Every school is required to have a trained agricultural teacher on its staff to teach these subjects. Special grant is given to them to enable them to give allowances of ten rupees a month for the teacher. The courses spread over a period of four years. Middle English schools are allowed to have two continuation classes, classes Nos. 7 and 8, in order to complete the courses of agricultural education of these students. At present such courses have been adopted in 25 schools while under the existing scheme 26 middle English schools can have them. To meet these expenses Government give an extra grant and a special allotment has been provided for this purpose. Nothing further is proposed to be done in this direction at present in view of the Secondary Education Bill now under consideration as it is anticipated that the Secondary Education Board contemplated in the Bill will take up the matter on the basis of popular opinion as soon as it comes into existence.

(*b*) Physical training is or ought to be an integral part of work in all schools; the training of officers to do this work is a good idea. As regards military training, Government consider that this is an inopportune time to suggest this innovation.

(*c*) tiffin grant of Rs. 45,000 has been provided in the current year's budget for giving grants to aided high English schools and madrassahs towards the scheme for supply of mid-day meal to students.

(*d*) Under the new scheme scholarships will be granted this year on the results of the departmental final primary examinations which will be held from this year at the end of four years of the primary course. There will be two grades of scholarships—grade I, Rs. 3 and grade II, Rs. 2. These will be tenable for two years in secondary schools. Besides these, there will be a number of special scholarships for boys and girls, Moslems and other backward classes.

**Extension of date for presentation of the Select Committee Report on the Bengal Legislative Council Powers and Privileges Bill, 1941.**

**Mr. BANKIM CHANDRA DATTA:** Sir, may I have your leave to move that the date for submitting the report of the Select Committee on the Bengal Legislative Council Powers and Privileges Bill, which I had the honour the move, be extended to 30th November, 1942?

**Mr. PRESIDENT:** The question before the House is: that the time for submission of the report of the Select Committee on the Bengal Legislative Council Powers and Privileges Bill be extended till 30th November, 1942.

(The motion was agreed to.)

**Short-notice Questions.**

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I have given notice of a short-notice question. But I am sorry to say that I have not received any reply or statement in respect to that.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** May I know what it is about?

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** It is about the civil defence in rural areas.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Sir, I do not think I have got the reply ready yet. I will take the earliest opportunity of making a statement about it.

**Public Accounts Committee.**

**Mr. LALIT CHANDRA DAS:** On a point of information, Sir, regarding Public Accounts Committee. If my memory serves me right, the Hon'ble Finance Minister promised that he would look into this matter and let us know the decision. Has any decision been come to with regard to Public Accounts Committee, as to whether it would be called to examine the audit report?

**Mr. PRESIDENT:** The Hon'ble Finance Minister already promised that he is considering the matter; when a decision is reached, it will certainly be circulated to the House.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Sir, there were short-notice questions regarding Chittagong. I do not know whether my honourable friend Mr. Nur Ahmed desires to put those questions in view of the statement that I made the other day. If he desires to put any questions I can reply to them.

**Mr. PRESIDENT:** Do you still want to put questions, Mr. Nur Ahmed?

**Mr. NUR AHMED:** I think, Sir, my purpose has been served by the statement made by the Hon'ble Minister the other day and I do not like to put any questions.

## The Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1942.

**Mr. PRESIDENT:** The House will now consider the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1942.

*Clause 1.*

Clause 1 stand part of the Bill.

The question before the House is: that clause 1 stand part of the Bill.

(The motion was put and agreed to.)

*Clause 2.*

**Mr. PRESIDENT:** Clause 2 stand part of the Bill.

The question before the House is: that clause 2 stand part of the Bill.

(The motion was put and agreed to.)

*Title and Preamble.*

**Mr. PRESIDENT:** The Title and Preamble stand part of the Bill.

The question before the House is: that the Title and Preamble stand part of the Bill.

(The motion was put and agreed to.)

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I beg to move that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1942, as settled in the Council, be passed.

**Mr. PRESIDENT:** Motion moved: that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1942, as settled in the Council, be passed.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I support the passage of the Bill. But I have only one observation to make in this connection and it is this. This is a Bill which extends the term of the provisions of the Emergency Act passed for protecting the non-agricultural tenants until the passing of a comprehensive Act dealing with their rights. The draft Bill dealing comprehensively with the rights of non-agricultural tenants was published in the Gazette, I think, several months ago, but it has not yet been introduced either here or in the Lower House. I hope the passage of this Bill will not retard the introduction of that Bill and in spite of this Bill being passed the Hon'ble Minister will kindly see that the comprehensive Bill is introduced in this session and referred to Select Committee in this very session so that there may not be any loss of time and non-agriculturists may not suffer. They are in great suspense on account of this comprehensive Bill not being enacted quickly into law. So I hope, Sir, this will be remembered by the Hon'ble Minister in charge of the Bill.

**Mr. HUMAYUN KABIR:** Sir, in supporting this Bill I also want to make a few observations on lines very similar to what my honourable friend has just now made, that this temporary Bill whose life is extended now by one more year was passed two years ago and the last Ministry was not able to put a permanent Act on the Statute Book in spite of two years having almost passed. Now we have another year's extension. I hope that this matter will be taken up and the comprehensive Bill, to which reference has been made, will be introduced, considered and passed in this Legislature before the expiry of this additional year which we have given to the operation of the old Bill.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, I also support the motion for the Third Reading of the Bill. In doing so, I must point out that the Bill is a highly contentious one, although it is desirable that it should be enacted immediately as a very large section of the public is in favour of it.

**Mr. LALIT CHANDRA DAS:** This Bill is not contentious.

**Khan Bahadur NAZIRUDDIN AHMAD:** I refer to the Bill which we have in contemplation of which the Khan Bahadur spoke, the Bill which has been published in the "Calcutta Gazette." That is certainly a contentious Bill; it affects the vested interests and in view of these considerations the Bill should be very carefully considered. It may be necessary to circulate the Bill for eliciting public opinion and also it may be that the Bill should then go to a Select Committee for very detailed and careful consideration. Of course, the Bill should be passed as quickly as possible but in doing so these considerations should be kept in mind. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The Committee sat over it for two years?)

**Mr. PRESIDENT:** The question before the House is: that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1942, as settled in the Council, be passed.

(The motion was agreed to.)

The House will now discuss the Supplementary Estimates for the year 1941-42.

## Discussion of Supplementary Estimate, 1941-42.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Mr. President, Sir, my first observation in this connection will be that this Supplementary Estimate is presented to us rather too late and I do not understand why it should ordinarily be put up so late before the Legislature. If it is to be considered at all and if the discussion about it is to be of any value it should be presented to us in time. As a matter of fact after six months had expired from the financial year, the Supplementary Estimate is prepared and I think it should be the duty of the Minister in charge to see that Supplementary Budgets are presented to the House in the month of September or October when only it could be properly dealt with. On the other hand if it is presented to us very late, after the expenditure has been incurred, the discussion becomes more or less a farce. Now, Sir, I should like to examine some of the items in detail. Under the head "Land Revenue" I find, Sir, that Rs. 1,25,000 more has been asked for extra staff required for management of Government estates and the ground given is that the certificate procedure having been abolished extra staff had to be appointed. Sir, the certificate procedure was not abolished this year or last year, but it was abolished four years ago and I do not see why this expenditure could not be foreseen. Then comes "Survey, Settlement and Record Operations." Here also it is stated that unforeseen complications which had arisen in course of such operations necessitated this extra expenditure. Sir, in the Bakarganj district, as we all know,

settlement operations go on continuously on account of the riparian areas in that district and I do not see why these so-called complications could not be foreseen and why extra expenditure was at all necessary. In Faridpur district the record of rights was found to be completely different from that now in use with the result that comparison proved difficult and took more time. This also, Sir, seems rather absurd that the authorities could not know that the forms of the present record of rights were different from those they are going to prepare in the next year. We do not think therefore that the reasons assigned for the extra expenditure are at all reasonable or sound. In connection with the preparation of records of rights, I have one other observation to make and it is this. For preparation of records of rights Government realises three-fourths of the costs from the tenants and the landlords and the Government contribution is only one-fourth. The people do not like it. It has been forced upon them. The revisional proceedings were suspended 4 years ago and only last year they have been re-introduced in the hope that these records will be required for the purpose of acquiring proprietary rights of landlords by Government, but when that question has not yet been settled I do not see any reason why money is being spent for preparation of records which again may be found to be out of date when the actual question of acquisition of rights comes in. It is a luxury and the poor people are forced to pay for this luxury the benefit of which they do not appreciate, even the liberal section of the people do not appreciate. These records are prepared after 20 or 30 years. I think Government should consider it seriously whether they should go on with these revisional settlement proceedings in the next year also.

I now come to the extra provision under the head "Jails and Convict Settlements". The increase in the number of prisoners has been given as a ground for this additional allotment. But nothing has been stated what is the reason of this increase in the number of prisoners. As far as I know a large number of political prisoners has been set free and so there is no reason for congestion in jails and especially so when there is no reason forthcoming for influx of prisoners in jails.

Then as regards additional money under the head "Police". The total money wanted is very nearly Rs. 12 lakhs. The only comment I have to make in this connection is that whenever money is wanted for the Police there is plenty of money in the Government coffer but whenever money is wanted for any ameliorative measure money becomes scarce in the Government coffers.

I come next to the charge under "Agriculture". I find that the additional expenditure required is Rs. 10,67,000 under the Jute Regulation Act, 1940. As I have already referred to in my budget

speech that this expenditure seems to me to be not only very high but monstrous, I do not understand how this figure can at all be arrived at. I claim to have expert knowledge in this connection. I say that the estimate of cost of jute regulation is monstrously extravagant. The total cost of the staff employed for restriction of jute last year was Rs. 21 lakhs of which cost of preparation of records was Rs. 10 lakhs and that of regulation was Rs. 10 lakhs and 88 thousand. For the next year Rs. 22 lakhs was budgeted for and another Rs. 10 lakhs have been provided for in the Supplementary Budget.

If the regulation could be made in the previous year with only ten lakhs I do not see how Rs. 32 lakhs should be required in the present year, only for regulation. There was no record of rights preparation this year, that it should have cost so much. I see that last year the regulation was made for three months only that is from January to March, and that is the time when licences have to be issued for jute. After that the licensing staff is not at all necessary. This staff should therefore be done away with for the next nine months and the only staff that should be retained is perhaps the Inspectors and Sub-Inspectors for finding out if anybody had grown any jute on any area that had not been licensed And I am definite that under this head as much as ten lakhs could be easily saved. Sir, I am prepared to offer my services to the Hon'ble Minister in charge of the Agriculture Department and I am definite that I can bring down the charges by ten lakhs, if I am asked to work the actual details of the budget under this head. So, I repeat that this charge is very extravagant and on the face of it quite monstrous. Of course, I quite agree that it cannot be prevented this year as the expenditure has been incurred. But for the next year at least it should be and can be prevented. Sir, one thing that I may mention in this connection is that in spite of this heavy expenditure on jute restriction the department is not being run as efficiently as one would wish. An Amending Act was passed for correction of mistakes in the record of rights and in that Amending Act the time given was one year for correction of the mistakes from the date of the disposal of the objections of the previous year. But, Sir, Government made an inordinate delay in giving effect to this Amending Act, and they also took a long time in framing rules under the Act, with the result that the actual cultivators got only two or three months' time for correction of their records, and during this time also they could not on account of their poverty and ignorance also procure court-fee stamps necessary for filing objections, and to my knowledge, Sir, I may say that the court-fees of four annas value were selling for eight annas and in some cases for one rupee even for filing objections under the Jute Regulation Act for correction of records. Sir, I know that even 30 per cent. of the mistakes have not been corrected yet and a large number of mistakes are still to be found in

the record of rights. Therefore it is only fit and proper that Government should give the poor tenants time by executive order at least for correction of records. The Collectors have got under the Act the power to correct the jute record any time on their own initiative, so if the Government finds any difficulty in ordering correction under executive orders, they can ask the Collectors to find out the mistakes in the record and set right the mistakes that come to their knowledge. This will be only fair to the agriculturists in whose interests this Jute Restriction Act has been passed.

I now come to the supplementary estimates, under the head "Industries—Cinchona". Quinine has been purchased to a very large extent. All this is very good but I think our requirements of quinine could be considerably decreased if we could give sufficient income to our people. Sir, malnutrition is the real cause of most of our diseases. I have been in many malarious districts and that for a long time and I know by experience that if the poor people could get proper nutrition they would not suffer from malaria and other diseases. So, Sir, all that they require is proper food and income with which to purchase the former. If this is done, then a good deal of money that is now spent on malaria medicines and the Medical Department could be saved. Therefore I would ask the Hon'ble Minister to keep this in mind while preparing his next year's budget.

I now come to "Famine Relief". For "Famine Relief" the allotment asked for is Rs. 27,71,000. This is a very heavy amount. The ordinary precautionary provision under this head is Rs. 2 lakhs and it is said that the excess is due to widespread distress caused by floods, drought and cyclone in a large number of districts. But this is not entirely true. There are other causes also of which the Hon'ble Ministers ought to be cognizant, so that they may be on their guard in allotting adequate amount of money under this head in future years. One of the chief causes is the economic condition of the tenantry of Bengal. What is the economic condition of the tenants of Bengal? The root cause of distress is that their poor average income. According to the Floud Commission Report the value of all crops for the agricultural population per head in Bengal is Rs. 43 and it is mentioned on page 83 of that report that the cost of cultivation is one-third. So if we deduct one-third, the average income of a cultivator is only Rs. 29 per head and if we remove the better class, about 20 per cent., who are better off, then the balance 80 per cent. population have only Rs. 18 to 20 per head as income. Our people are half-starved: they have no vitality and thus become easy prey to famine and distress. The famine condition prevails because already they are half-starved. So in view of this and also in view of another factor, that is the restriction on jute cultivation which has adversely affected the landless labourers, their condition is precarious. The restriction on

jute has very adversely affected the labour population of the province. The total area under jute in Bengal is 49·38 lakhs acres, say about 50 lakhs acres in Bengal. Last year, of this 16 and odd lakhs, about one-third was allowed to be used for jute cultivation and nearly 33 lakhs acres of jute land was released from jute. What was the result? The result was that the restricted cultivation of jute very adversely affected the labour population who used to get Rs. 25 per acre, whereas for paddy lands the labour population get only Rs. 5 per acre: the result is that they lost Rs. 20 per acre. Thus it will be seen that we have deprived the labour population of Bengal by jute restriction, to the extent of Rs. 6·60 crores. Even taking into account that some of the labourers cultivate their land themselves, at least 5 crores have been refused to the labour population of Bengal on account of this jute regulation. This is one of the causes of widespread distress throughout the province. I come from a place where famine relief operations are still going on and about Rs. 10 lakhs have been spent on relief and I may tell the House that the chief cause of distress is the jute regulation and the distress is acutest among the labouring classes. The labour population had to be given gratuitious relief, because Government could not give them work during the rains. Government should be wide awake of this factor. When they are regulating jute they should make large provision for the labour population who have been hard-hit on account of the jute regulation scheme.

Then, Sir, under the head "Miscellaneous" I find that Rs. 1,77,000 has been asked on account of Dacca communal riot gratuitious relief. Sir, to this I have no objection but I have one observation to make in this connection and it is that the best way to prevent these communal riots is by censoring the newspapers of both communities, Hindus and Muslims, and by establishing a Board of Hindu and Muslim Leaders who would advise from time to time both the Muhammadan newspaper and the Hindu newspaper editors to be very mild in their remarks and in their observations, and not to criticise in such a manner as to rouse communal passion of any side. I think, Sir, if anybody is responsible it is these newspaper remarks which have been responsible to a very great extent for rousing communal hatred between the two communities. Sir, Government will do well to think whether an Advisory Board or a Censoring Board of non-officials should not be established in order to see that the newspapers do help the communities in maintaining communal harmony and communal order. As regards extra-ordinary charges, Sir, I find that a very heavy amount has been charged for but yet I have not got very much to say against it. But the only thing I can suggest is that a good deal of expenditure could perhaps be saved if the civil offices could be removed—and there is yet time for them to be removed from the town of Calcutta to the mofussil centres—as they have been done and being done in Madras. In Madras they

have already started removing their civil offices to mofussil centres. Sir, just after an aerial raid it becomes very difficult to evacuate—not only difficult but also costly and instead of that it will be much better for the Government to think of it beforehand and to remove their offices from now in which case there will be no dislocation of work at a later stage and the cost also will be much less and this will surely obviate the danger of suddenly being faced with the problem of finding evacuation centres in the mofussil in case of an actual air-raid.

Sir, the last but the most important item is the advances to cultivators. For this, Sir, 1 crore 16 lakhs was given this year. Of course it was very generous on the part of Government to have so liberally come to the rescue of the cultivators. But, Sir, Government should know that this is not the only year in which such a large amount has been required because agricultural credit has already died in the mofussil area and Government will not only have to provide such sums in future but they will have to increase their allotment gradually from year to year. Eventually they will find that 5 or 6 crores will be required as temporary loans to the cultivators and a large part of it perhaps they will have to write off from time to time as irrecoverable knowing as they do the condition of the agriculturists. Sir, as one coming from a distressed part I know that subsistence loan has been given not only to small agriculturists but even to labourers who cannot possibly pay back this loan. Government will have to write off such loans. The allotment under "Loan" should be more than 1 crore 16 lakhs in future. Unless Government thinks immediately of establishing agricultural banks in every thana Government will find itself faced with great difficulties in meeting the agricultural credit problem. By giving loans of one crore 16 lakhs only they will not be able to maintain the poor agriculturists. This is not the special year of distress as the Government apparently seems to think. Every year they will find that the demand increasing and they should be prepared from beforehand to meet it in time.

Sir, the only other general remark I wish to make before concluding my speech is this. Sir, I have made some constructive suggestions as to how money could be saved and as to how money could be usefully utilized. Sir, the money which can be saved even now I say from under the head "Jute Restriction" may be about 10 lakhs minimum and this could be very usefully utilized for the agricultural and industrial development of the country which is the problem of all problems. Agriculture and Industries are the only departments which can increase the wealth of the country and unless and until you increase the wealth of the country you cannot solve the great economic problem and it will be for the Government, Sir, especially in this time, to give an incentive to agriculture and industry by introducing comprehensive schemes of industrial and agricultural development of the country.

But, Sir, I am surprised to find that in spite of the assurance given by the Hon'ble Finance Minister the other day that even during war time not only there will be no relaxation of efforts for industrial and agricultural development but as a matter of fact it will be intensified, when I moved a very modest proposal of giving business training in industry,—to departmentally trained young men of this province in industry by Government,—that proposal was vetoed and turned down by the Hon'ble Minister and the party in power. That is very discouraging and I never expected that it would be so. Although we are in the Opposition we will be wholeheartedly supporting every scheme which would likely solve the economic problem of the country, we would not only support, but as a matter of fact we have been hammering all these years on the previous Government and we will be doing so to this Government also for doing their best for increasing the income of the people and for solving the economic problem and we hope that they will find that we are not only co-operating with them but we are really insisting on them to do something for the economic salvation of our country.

With these words, Sir, I resume my seat.

**Mr. HUMAYUN KABIR:** Sir, in discussing the budget this year I said that we were in a difficult position, for we were criticising the Finance Minister for holding somebody else's baby. To-day, I think, the position is worse, for even the baby does not exist. In a way, it is a post-mortem examination of a ghost, for the money, as was pointed out by the honourable member who has just sat down, has already been spent and spent at the instance and initiative of a Ministry which is now defunct. Therefore, Sir, the criticisms which we offer on this Supplementary Budget are meant not so much as criticisms of that budget as constructive suggestions in respect of the budgets to be presented before us in future. The remarks we want to make are for that reason not directed against this budget. We would, however, like the Hon'ble Minister to keep in mind these criticisms and remarks in framing his proposals for next year and in administering the funds which are being granted this year. At the outset, I would thank the Hon'ble Finance Minister for his assurance given on the occasion of the general discussion of the budget. He has said that he would look into the working of the Civil Secretariat and find out whether there is any duplication in some of the items and actual wastage of public money can be prevented. Well, there have been pointed references to such wastage of public money by the honourable member who has just spoken. I believe that Government have under examination the scheme of jute regulation and when they do so, they will take into consideration the remarks of the honourable member who has just spoken regarding the saving of Rs. 10 lakhs

every year. I generally agree with him and believe that further economy is possible. I will go further and say that it is possible to effect even a greater saving. If one *amin* is appointed for each of the 3,000 unions where jute is cultivated and other officers are employed for 3 to 6 months a year for inspection and control, the expenditure for the department can be greatly cut down. One scheme estimates that the cost of jute regulation should not exceed eight to ten lakhs, but even if we double this figure, there would be a net saving of almost twenty lakhs.

With regard to the question of the loss, the net loss, suffered by cultivators and labourers of about six crores of rupees, to which reference has been made, I confess that I have some difficulty in accepting this figure. Though it is undoubtedly true from one point of view that labourers have actually suffered a loss, still from another point of view a good deal of money has come to them in the shape of increases in the price of jute. For the jute prices sometimes went down to as low a figure as Rs. 2-8 before the war, but as soon as the war broke out the prices went up. The price of jute for the last year too was in the neighbourhood of about Rs. 10. If we take into account the amount of jute produced in the province and the increase in price which is at any rate partially attributable to the jute restriction scheme, I think that the statement about the loss of six crores by labourers will not be found tenable. However, I quite agree that the whole thing should be examined by Government. Government should consider with sympathy the suggestions made by the Leader of the Opposition as to how far the question of unemployment of agricultural labourers as a result of jute regulation can be tackled. Here, Sir, I find myself faced with another difficulty. We shall have very little imports of food from outside this province and therefore we must make provision for our food as best as we can, by producing our requirements in the province itself.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, my point was that this six crores of rupees was entirely lost to the labourers. The labourers do not get the benefit of any rise in the price of jute at all. I am not against jute regulation but I am saying that the jute-growers may have benefited by this rise in price but the labourers have not got the slightest benefit out of it; on the contrary, they have been hard hit by it and Government ought to do something to help them.

**Mr. HUMAYUN KABIR:** I quite see the difficulty and that is why I have submitted that Government should examine the whole question, but I maintain that it will be a mistake to suggest that

labourers and cultivators can be classified into water-tight compartments in Bengal. In many cases, some people work on their own land for a period of the year and at other times in work as labourers on the land of other people. Therefore the line is not very sharp; however, this will have to be examined very carefully by the Government. Therefore, I think the interruption by the Leader of the Opposition is not perhaps justified.

With regard to the Dacca riots, I also endorse the remarks made by the honourable the Leader of the Opposition about writings in the newspapers. Sir, I have often felt tempted to suggest that there should be some sort of institute for the training of journalists and no one, Muslim or Hindu, should be allowed to become a journalist—because a journalist has very great power both for good and for evil—until a Hindu has a knowledge of Muslim sentiments and beliefs and a Muslim of Hindu beliefs and institutions, so that they may not write anything which could hurt the feelings of members of the other community. I think it will be conceded that in most cases the journalists do not write what they write because they want to give offence, although that may happen in some rare cases. In most cases I dare say it is due to ignorance, and I think it cannot be denied that there is colossal ignorance on the part of members of one community with regard to the culture of the other. Therefore, if a scheme on some such line can be worked out,—I do not of course know how far it will be practicable and relevant to the discussion of a supplementary budget—but if some such scheme can be carried out, I am sure it will be to the general good of the province and the country as a whole.

Now I come to the provisions of the supplementary budget. The main interest in this supplementary budget lies in the expenses for civil defence measures. With regard to civil defence, I want to mention certain specific points before taking up the broader aspect of policy and purpose. I think the honourable members of this House know that about one thousand tailors were detained in Burma, Malaya and Singapore, and very few of them have returned. I am now told that only about 40 have come back to Calcutta. Their families have no means of livelihood. Cannot something be done for them? I was told by the Chairman of the Port Commissioners, when I went to him in connection with a deputation on behalf of labour employed in the Port Commissioners' areas, that people engaged in work which is directly or indirectly connected with war would be given compensation in case of accidents, and if there were any casualties either by way of death, injury or imprisonment, their families would be given family pensions for maintenance. I would ask the Hon'ble Minister for Civil Defence to enquire if these provisions can be applied in the case of those tailors who have been confined outside India and who

cannot return to their homes and those families are now destitutes. I hope the Government will take into consideration the pitiable plight of the families of more than one thousand tailors who are faced with starvation in the literal sense of the term and examine the question of giving them such relief as they need.

Another suggestion which Government might examine is to find out whether it is not possible to start co-operative concerns in order to give these families relief. There is nowadays a great demand for the supply of various articles of clothing, viz., uniforms and badges for war purposes. A large number of private firms in Calcutta are making large profits out of this war business. I would ask the Hon'ble Minister in charge of the Co-operative Department to see if he cannot give some relief to these tailors' families through the organisation of co-operative societies which will give him work and also afford them market facilities for the goods which they produce.

Then, Sir, I would draw the attention of the Hon'ble Minister in charge of Commerce and Labour to the plight of the shop assistants. I am now dealing with some points in detail and making certain suggestions for the Hon'ble Minister's consideration and reserve my general remarks for a later stage. As I was saying, on account of the blackout, it is very difficult for shop assistants to return to their homes after 9 o'clock at night. Honourable members of this House know that the shop assistants work till 9 o'clock, and can therefore return home only after 9 o'clock. Some of these poor men have to go 2 or 3 miles at that hour to reach their destination, and in the darkened condition of to-day, their difficulty in groping their way home can be easily imagined. I would ask the Hon'ble Minister to consider whether the hours of work in shops cannot be advanced during the duration of this crisis.

Then, Sir, I want to refer to the wages of these shop assistants. The average wage of a shop assistant is perhaps Rs. 15 per month. Every one can understand that with the high prices prevailing at present a wage of Rs. 15 is hardly adequate for them, especially those living in towns. I would request the Hon'ble Minister to see if some steps can be taken to give these poor men some relief in the shape of war bonus or some such allowances. With regard to the wages of a industrial labourer, the Government of India and the Government of Bengal are dealing with the question directly. I would ask the Government to extend the same sympathy to the shop assistants. Then, Sir, I may draw the attention of the Hon'ble Minister to the fact that a large number of shop assistants have been dismissed without adequate notice or compensation. In certain cases, although the owners have temporarily closed their business concerns, the premises are there and they are paying the rent of the premises, but no wages to their employees. On account of the temporary suspension of

business, the shop assistants have been dismissed and thus placed in great difficulty. Of course the present Government, as a popular Government with modern ideas, of the duties of a Government, should have responsibility for the welfare of the citizens. I hope the Government will look into the matter and see what relief can be given to the shop assistants.

Next, Sir, I come to the question of civil defence. Here I should like to repeat what I said to the Hon'ble Finance Minister when discussing the next year's budget. I refer again to the Civil Secretariat and may hope that he will examine the constitution of the Civil Secretariat with a view to curtailment. Similarly, careful scrutiny should be made in regard to the officers of the Civil Defence Department. We all know that the Hon'ble Mr. Basu who has been placed in charge of this department, is one of the ablest and most energetic of our Ministers. At the same time the burden imposed on him is too heavy. He is Minister in charge of Local Self-Government and Public Health which in itself is a very heavy portfolio. In addition to this he has been placed in charge of the Civil Defence Co-ordination. I think it is not fair to Mr. Basu to ask him to undertake such a serious responsibility——

**Mr. LALIT CHANDRA DAS:** On a point of order, Sir. Is it permissible for a member to make such general remarks when discussing the Supplementary Budget?

**Mr. PRESIDENT:** I have allowed a little latitude to the honourable member. Strictly construed, the scope of debate on a Supplementary Budget is very limited.

**Mr. HUMAYUN KABIR:** Sir, because the largest item in the Supplementary Budget is in respect of the Civil Defence Department, I thought I might be permitted to make some remarks about civil defence and air-raid precautions, and about the officials employed in this department. They come directly under the amount of money which is spent for the Civil Defence Department, and my contention was, Sir, that there has been a duplicate of offices and not only a duplication of offices but also a lack of sufficient co-ordination. As far as I can make out, there are half a dozen I.C.S. men in the A.R.P. Department proper. These half a dozen men—well, one does not really know what they are doing. Besides this half a dozen, there are another 4 or 5 who have been taken in the Local Self-Government Department and in various other departments. In some cases, the anomalous position has been created that the Hon'ble Minister for Civil Defence Co-ordination is not the Minister to control these officers. For example, we find there is an I.C.S. officer who is the Civil Defence Director and

he has also a Personal Assistant who is again from the I.C.S. and both of them are in the Home Department. Now, Sir, in addition to the men in the A.R.P. proper and these two Civil Defence Directors, there is an Additional Secretary to the Local Self-Government Department for civil defence purposes and in addition another liaison officer. In all, Sir, I gather there will be a dozen I.C.S. officers in the Defence Department and the work of these different officers has not been sufficiently demarcated. As I have said, the Director for Civil Defence is under the Home Department and not under the Minister for Civil Defence. Again, Sir, the Civic Guards have been placed under an Indian Police Service man and he also is not under the Civil Defence Department. He is again controlled by the Home Department.

The whole position ought to be examined, and I hope that the Hon'ble the Finance Minister will do so himself. He promised that he would go into the working of the Secretariat but I would request him to extend his scrutiny also to this department. As laymen, without claiming expert knowledge of the operations of the Civil Secretariat, it seems to us that there is duplication of officers. A very large number of people do not seem to have any definite work to do. I am in this connection reminded of what Mr. Wordsworth, who was my teacher and I think also the teacher of the Hon'ble the Finance Minister, once told us. He told us that in the Civil Secretariat, files have a knack of attracting other files. Like snow balls which, as they roll on, gather continually more snow till ultimately the original snow ball is almost lost sight of, files in the Secretariat also continually increase. In the Secretariat also, once a file starts one never knows when or where it is going to stop. Mr. Wordsworth also said,—I do not know how far this was meant as a joke or how far this was meant seriously,—it was his practice to have a spring cleaning of files once every April, get hold of files and burn them and he said that neither the Civil Secretariat nor any of the officers grew the wiser because the files were burnt! I hope that the Hon'ble the Finance Minister will look into the matter. With his penchant for economy and his capacity of coming to the core of the matter in a short and brief manner, he will find that there is room for economy in the Civil Secretariat. Of course so long as the Indian Civil Service officers frame the budget, this cannot happen. Nobody wants to dismiss himself. If the appointing authorities and the officers appointed are identical, it is natural that they should create sinecures. That is why we find that in the Civil Secretariat, where the whole machinery depends on the Indian Civil Service they are never loathe in helping one another to the loaves and fishes of office.

But to return to the Civil Defence Department. As a result of the lack of co-ordination to which I have referred and as a result of the

very large number of I.C.S. officers, the department suffers. Some of them may be efficient but all of them are not so. This is a question which I hope the Hon'ble Minister will look into. Well, Sir, on account of these facts and on account of the wrong distribution of duties, the Hon'ble Minister for Civil Defence is overburdened with work. I have myself seen him labouring from early morning till late midnight. There has therefore been unsatisfactory arrangements with regard to the distribution of A.R.P. facilities in the province. I referred on a previous occasion, Sir, to the distribution of slit trenches in this city. One honourable member was pleased to contest what I had stated with regard to the large number of slit trenches in the Lake area. I think he had left his spectacles or perhaps his vision behind when he came here. As a nominated member, he perhaps felt that there should not be any remarks against anything which is done by officials.

Well, Sir, any one who goes along Kidderpore Road in the *maidan* area will find that a large number of slit trenches have been dug there. Up to the Esplanade, there are many slit trenches but there are not sufficient facilities near the tram terminus. I am grateful to the Hon'ble Minister for Civil Defence that after my remarks and some of the questions of which I have given notice, work has been started in the market and *bustee* areas. We feel, however, that these slit trenches would have been dug without outside pressure and on the initiative of the Hon'ble Minister for Civil Defence himself if he had enough time to attend to this portfolio exclusively. I would also ask the Hon'ble Minister to consider whether slit trenches cannot be dug in Harrison Road, Upper Circular Road and such other congested parts of Calcutta where the population is far greater than the *maidan* area or the Lake area. He is overworked and it is my belief, and I think I shall be supported by most of the members of this House, that civil defence ought to be an entirely separate portfolio under the charge of one Hon'ble Minister who will look into the different civil defence measures. I believe to-morrow will be devoted to the discussion of the civil defence question. If that is so, I shall reserve my remarks with regard to the general policy of these civil defence measures. May I ask you, Sir, whether to-morrow is going to be devoted for this purpose?

**Mr. PRESIDENT:** Yes.

**Mr. HUMAYUN KABIR:** In that event, I shall not touch on that point any further.

I shall conclude with a request to the Hon'ble the Finance Minister to apply his axe unflinchingly to the different departments of the Civil Secretariat, and see how far retrenchment is possible in the various departments. He has himself stated in his budget speech that in the

nation-building departments, money is spent in order to improve the morale of the people,—and raise their material and mental condition,—and there should be no retrenchment in these departments. I concede that there should not be any parsimony in spending money for keeping the administration going but where it is meant only for keeping the bureaucratic Government well-oiled, I hope the Hon'ble the Finance Minister will cut down expenditure ruthlessly.

**Mr. NUR AHMED:** Mr. President, Sir, with your permission, I wish to make a few remarks on the Supplementary Estimates presented to this House this year. I think this is the biggest supplementary budget ever presented to this House, for the total amount is Rs. 2,79,44,000 of which about 19 lakhs is absorbed by Loans and Advances. Sir, the Ministry deserves thanks for this huge amount of Loans and Advances given to the agriculturists, because it is an admitted fact that these agriculturists had been very hard hit this year. Owing to the introduction of some Acts and other economic causes, the rural credit has dried up. But the method which is followed in distributing these loans and advances is, I think, faulty. Crop loans are advanced through provincial banks, i.e., central banks, and loans to agriculturists are distributed by Circle Officers. It is found often that real needy persons cannot get relief as the number of the crop societies or agricultural societies are very few and these loans cannot be distributed even-handedly throughout all the districts and villages of Bengal. My submission, therefore, is that in future it should be the policy of Government to have a well-planned programme as regards the distribution of these loans.

The second largest item, which consists of a sum of 70 lakhs, is absorbed under the head "Extraordinary Charges", that is, regarding civil defence measures. Much has been said about this item in this House. So, I do not like to dwell at any length on this charge but I should like to say only one thing. Out of 70 lakhs, a sum of Rs. 50,000 has been allotted for the scheme in mofussil areas. It appears that about 23 towns have gone in under the civil defence scheme and one of these towns is the town of Chittagong. The town of Chittagong is in imminent danger but the expenditure provided for this town is very small. I find from the schemes that have been sanctioned that the total amount has not been more than one lakh. Therefore, when Chittagong is in such imminent danger I hope that the Ministry will allot further funds to it, to be augmented later on by the district authorities. As regards the amount for famine distribution, my humble submission is: that this sum should be profitably expended on productive works. Then, again, I find that a very large amount, namely, of 11 lakhs, has been spent on gratuitous relief. Of course, I am aware that the circumstances were very abnormal and the people

required immediate help and Government had to concede to the demand of the people. There is another item, a very big item, of 12 lakhs 28 thousand under the head "Police". I find that the original budget provided for a sum of 2 crores 38 lakhs for this department; so that with this additional sum the total demand under "Police" has come up to about 2 crores 50 lakhs; or in other words, it amounts to about one-fifth of the total income of the province of Bengal. Of course, I am quite aware of the fact that emergent conditions prevail at the present moment, but in spite of that it cannot be gainsaid that the expenditure on the Police Department is growing up in spite of the cry from all sides of the House to reduce it. Then, there is another item under the head "Appointment of Police Sergeants" in Calcutta. From a reply given to a question in this House on this subject it appears that as yet no Bengalee sergeant has ever been appointed to this post. Therefore, my humble submission is that Bengalees should be appointed to this post. Only a sum of about ten lakhs comes under "Agriculture", that is, for expenditure for regulation of jute. Sir, the original allotment under this head was about 22 lakhs but with this additional requisition it will come to about 32 lakhs. I do not object to money being expended on the regulation of jute, but I wish to appeal to the Hon'ble Minister to go into the scheme very carefully and thoroughly and see whether any reduction cannot be made in it. It appears that expenditure on this head is going up every year. As for jute restriction in Chittagong I can say that money spent in Chittagong for this purpose is simply being wasted. In Chittagong very little jute is grown but nevertheless I find that a huge staff is maintained for this purpose. We have seen that in a district where there is no cultivation of jute, still a huge sum of money is being wasted on jute staff there. Another item for criticism is "Jails and Convict Settlements" for which Rs. 8,73,000 has been asked. This is also not at all praiseworthy. After the inauguration of responsible Government the population of jails should have been reduced. On the contrary we find that this population of jails is increasing and for that an additional sum is required. It would have been better if the staff were reduced instead of being increased. It must be due to the large number of persons being sent to jail even now, and prominent public men being restrained and put in jail.

Then, Sir, there is a sum of Rs. 3,25,000 under the head "Land Revenue". It appears that there was a mistake in preparing the record of rights. As a result of that additional expenditure has been incurred. There is nothing stated about who was responsible for this mistake and what steps have been taken against him. There are also small matters in the budget about which I do not like to say anything. But one thing I wish to inform the House in this supplementary budget, there is a huge sum of money provided under the head "Emergency".

No explanation about details of this emergency is to be found in the explanatory notes. My humble submission is that in future the members should be provided with more detailed explanatory notes so that the members will realise how the money is spent. Although under the present constitution very little power of control is given to the members, still if you do not give the necessary explanation for increasing the budget figure we find it really very difficult to understand the budget and its implications. I do not like to make any other observation except under the head "Industry—Cinchona". I find that Rs. 68,000 more has been provided for the purchase of stores, implements in the cinchona factory. This is a matter which vitally concerns the public health of Bengal. In the budget Rs. 6 lakhs has been provided and this additional sum will make it Rs. 6,68,000. I think this is still inadequate. It is an admitted fact that in this province lakhs of people suffer from malaria——

**Mr. PRESIDENT:** Order, order. The honourable member is going beside the point under discussion. He should now conclude his speech.

**Mr. NUR AHMED:** All right, Sir. I think a much larger amount should be provided for cinchona.

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** Sir, I have listened with great attention to the speeches made this afternoon in this House with reference to the supplementary estimates for the year 1941-42. My honourable friend Mr. Humayun Kabir referred in his inimitable way to the case of a baby. Sir, the discussion of estimates in the Upper House probably reminds one of the baby in swaddling-clothes.

Sir, my honourable friend the Leader of the Opposition has criticised three aspects of the Supplementary Budget Estimates under Grant No. II "Land Revenue". First of all, he referred to the extra expenditure caused in the management of the Government Estates. The explanatory note there is quite sufficient to convince him that in this case as a result of the suspension of the certificate procedure this extra commitment has been thrown on the Provincial Exchequer.

**Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Four years ago it was suspended.

**The Hon'ble Mr. PRAMATHA NATH BANERJEE:** True, but my honourable friend the Leader of the Opposition has not forgotten the

operation of the law of limitation. Four years ago when the certificate procedure was first suspended, the law of limitation would not have retrospective operation. If he subtracts three years from four years, then he comes across the year 1941-42. In that year the commitments were heavier than in past years and a sum of Rs. 1,25,000 had to be requisitioned originally for the purpose of covering the expenditure but this was found inadequate. This is a matter of mathematical calculation as well as legislative effort. And either the certificate procedure has to be put into operation or the law of limitation must be stamped out of the statute book; otherwise the expenditure is likely to be commensurate with legislative efforts.

He next referred to the question of survey, settlement and record operations. The extra expenditure is due to a large number of factors and one of the factors is unforeseen complications. Sir, these unforeseen complications include natural calamities, *vis major*, over which humanity has not yet in this scientific age obtained control. The district of Bakarganj is a stormy petrel of Bengal. It produces Prime Ministers, Home Ministers, patriots; it produces *chars*, the law of alluvion and diluvion, subinfeudation of a type unknown to any other land system in the world and sometimes causes mistakes in the matter of a cadastral survey. Sir, I am not very familiar with this district. My honourable friend, the Leader of the Opposition, may be so. If this district is erased from the map of the world, possibly the Government will not come forward with supplementary estimates with reference to survey, settlement and record operations. Sir, it is perfectly true that the preparation of the record of rights is a complicated task and sometimes it presents all the aspects of a public nuisance; but it is a public nuisance of the necessary type. My honourable friend the other day dealt with the report of the Floud Commission and one of the pre-requisite preliminaries to the operation of the recommendations of the Floud Commission is the preparation of a correct record of rights. It is perfectly true. It is perfectly true that in this task of preparation of records, the Provincial Government meets only one-fourth of the expenditure. But if the Provincial Government is burdened with further expenditure, the Exchequer will receive its income from out of the tenantry of the province. My honourable friend referred to the question of famine relief. With his diagnosis I am in complete agreement, namely, that in a land like this where the condition of the tenantry is almost in a subnormal level, you must have perpetual famine of a chronic type; but the remedy, Sir, which he proposes may not perhaps be better than the disease. It is true that in the budget normally a sum of Rs. 2 lakhs was provided for meeting expenditure under this head last year. The natural calamities almost amounted to national calamities and there were districts in East Bengal which were visited not only by cyclone but also by flood

and in West Bengal drought ruined the prospect of a bumper crop. On this head Government was obliged to come to the rescue of the suffering humanity and therefore a sum of Rs. 2 lakhs had to come up to Rs. 27 lakhs.

My honourable friend next referred to the restrictions imposed upon jute cultivation. My honourable friend Sir Bijoy Prasad is not present here. I am not an expert in the Department of Agriculture and Industry. If I were so, I would have certainly understood the sorrows of the jute cultivators but jute cultivation and the restriction of the regulation relating to its cultivation did not necessarily depend upon factors which are either provincial or inter-provincial. But the Hon'ble the Finance Minister will certainly,—he is here,—I cannot give an assurance on his behalf,—I presume, look into the matter very carefully. This is undoubtedly one of the most important problems which faces the province.

Then, my honourable friend referred to another question—the question of the grant of gratuitous relief to the families of certain unfortunate evacuees or persons who have been held down to territories which are now enemy territories. This is a problem which must engage the attention of the Government. As to whether the Government is able to help them under the present Constitution Act of 1935 is another question; but sometimes you have to transcend beyond the narrow confines of a legislative measure and if that is possible, certainly that point will not only engage my attention as Minister of Revenue in charge of Evacuation but also that of the entire Ministry.

As regards my honourable friend's suggestion regarding removal of civil offices before an air-raid, well, the Hon'ble Minister of Co-ordination and Civil Defence is not here, but the matter is certainly engaging his attention.

My honourable friend Mr. Humayun Kabir's main criticisms were directed to the Civil Secretariat. The building, as he knows perfectly well, is a legacy from the days of Job Charnock; it was in existence before Writers came but to-day we witness a spectacle not of writers but of readers and lecturers. Mr. Kabir referring to our teacher Mr. Wordsworth was pleased to observe that in the opinnion of the latter the files in the Secretariat gathered momentum like snow balls till the original files could not be recognised. But, Mr. President, he is somewhat modest in his estimate. He ought to have called these snow balls or snow bells "dumb bells". They have a tendency in a certain temperature to acquire strength, but in a hot climate and in the circumstances in which we have been placed, they might just as well melt. And if and when the melting point is reached, then we shall not be able to exactly realise or visualise what our position is likely to be. My honourable friend also started the startling proposition that

nobody in the world wants to dismiss himself. Exactly so, Sir, but only except those who want to bid good-bye to the world.

My honourable friend Mr. Nur Ahmed made a reference to the distribution of Loans and Advances to the agriculturists by the agency of Circle Officers. The expression "Circle Officer" is mathematical but may not be practical. But nowhere in his speech could I discern any constructive suggestion as to what could be an alternative method of distribution of these Loans and Advances, unless it could be argued with some show of reason that these Circle Officers should be replaced by some kind of non-official agency. That would be some sort of practical proposition to which my attention could be drawn. Mr. Nur Ahmed also referred to Chittagong and said that it was in imminent danger. Sir, we all agree that it is so, but the imminence of the danger is not warded off by his presence here. I am very sorry for the mistakes in the record of rights which was criticised very strongly by the Leader of the Opposition but he knows perfectly well the proverb "to err is human, to forgive is legislative". Sir, the above are the criticisms that have been levelled against the department over which I hold charge.

My honourable friend Mr. Humayun Kabir referred to the question of communal bitterness which was accentuated by newspaper propaganda. There are newspapers which looked at from this point of view may be supposed to be an evil. But, Sir, the suppression of views is a greater evil, and unless the people recognise the position taken up by Frederick the Great of Prussia three centuries ago, either newspapers should be suppressed or the people should be oppressed. Sir, Frederick the Great was an aristocrat of aristocrats, a great military chief. On one occasion a certain cartoon appeared on the walls of the streets of Berlin caricaturing him. Frederick the Great used to take riding exercises in the morning through these streets. So, the following morning he went up to the walls where the cartoon was hung. He got up on the back of his horse, took the cartoon down from a particular height, brought it down to the level of the eyes of the pedestrians and wrote a note, as history says, to this effect: "Beware of Frederick". From the following day the cartoons ceased appearing. If the people criticised do not care for cartoons, their commercial value is lost.

I have full sympathy with the observations of my honourable friend Mr. Nur Ahmed that the explanatory notes might be fuller. The first breath of public criticism, I agree, must be directed towards not reform but towards more publicity.

**The Hon'ble Dr. SYAMAPRASAD MOOKERJEE:** Sir, as I explained on a previous day, the supplementary estimates for 1941-42 do not represent the activities of the Ministry now in office. I listened with considerable attention to the observations made by the Leader of

the Opposition and some other members belonging to the Opposition Group. Naturally, Sir, I have very little to say in support of the present state of affairs. The supplementary budget should have been before the Legislature in due time. At any rate, the assurance which was given by my predecessor that apart from any expenditure which may have to be incurred during an emergency, the matter would be placed before both Houses of Legislature in due course, should have been kept. I hope that so far as the present Ministry is concerned, in future there will not be a repetition of this character; but of course what I say is subject to this reservation that the emergency through which we are passing to-day may necessitate Government embarking upon some expenditure without previous reference to the Legislature. If such a contingency happens, at the first possible sitting of the Legislature thereafter, Government would come forward and place the matter before the House. As regards the detailed observations made by several members, I felt greatly attracted by them, and the remark which fell from the honourable Leader of the Opposition that he can suggest to me a procedure by which I can save Rs. 10 lakhs on the jute restriction scheme, is indeed attractive. He told me that his figures were ready and that if he were given a chance he would be able to do this. I find he is busily engaged in writing something. I hope his scheme for saving 10 lakhs of rupees is being prepared and will be handed over to me by the time to-day's sitting is over. Sir, I can give this assurance to my honourable friend the Leader of the Opposition that I cordially invite him to give me any suggestions that he may be able to give and I shall consider it with all seriousness.

Then, Sir, the question of unemployed labourers is a very large problem. I do not know, but I read somewhere that their number is 30 lakhs. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: According to the census it is 28 lakhs.) These 28 lakhs are landless labourers. Obviously it would not be possible for me to indicate any scheme by means of which their problem can be solved. But that is a question which Government must bear in mind in connection with any proposal for restriction of jute. As regards the extraordinary charges on civil defence, to-morrow the House will have the opportunity of discussing civil defence questions and I believe any member who desires any information on any particular point will be able to have it. Mr. Humayun Kabir raised the question about Mr. Santosh Kumar Basu being over-burdened with too much work. Sir, I think there is some misunderstanding on this point. There is no Minister for civil defence in this province. Mr. Basu is the Minister for Civil Defence Co-ordination. Mr. Humayun Kabir has suggested that it will be better if there is one Minister for Civil Defence and everything that is being done for civil defence should be kept under this Minister. Mr. Kabir is perhaps aware that at one time some years ago during

the war an attempt was made to concentrate most of the duties of civil defence in the hands of one Minister in England, but the problems which such a Minister had to deal with were of such a magnitude that it was impossible—I believe it was Sir Jorn Anderson, at one time he was asked to deal with this question,—it was impossible for one Minister to dispose of all the important matters coming within his purview. What is happening in our province to-day is this. The important duties relating to civil defence,—when I say civil defence I use it in a broad sense including A.R.P.,—are distributed amongst different departments. A. R. P. is under the Home Department. Medical and Public Health Department deals with about 75 per cent. of the work of civil defence and that was the reason why Mr. Basu was requested to take up the charge of co-ordinating the work between his department and the other departments. Some work is being done in the Department of Commerce and Labour, for instance, the problem of food, control of prices. There are some questions like the evacuation and relief to the persons affected after an air-raid takes place. These are questions which are dealt with in the Revenue Department. It was thought that if there was one Minister who could be given wide powers to co-ordinate the work which was being done by the different departments, only then would it be possible to provide for individual attention being given to all these important features of civil defence. I do not think, Sir, therefore that Mr. Kabir's proposal to have one Minister for Civil Defence at this stage and entrust everything to him is a practicable one. But I agree, Sir, that there is room for greater co-ordination and we are doing all that is possible to secure such co-ordination. Of course, as the House is aware, the general policy and the line of action were laid down before we came into office; the framework was there and we are taking all possible steps to secure such changes in the framework which would lead to efficiency, speed and progress. There is one matter in connection with civil defence and that is the amount of co-operation that Government is receiving from the public. Now, with regard to that question, Sir, on Saturday last there was a conference in this very place which was attended by representatives of all shades of public opinion and an attempt has been made to establish a definite link between the public and the Government, which we have reason to believe will result in improving the present situation considerably. Mr. Nur Ahmed suggested that we have been neglecting Chittagong. Well, it is not fair for him to make such a suggestion simply because the Supplementary Estimates do not say much of Chittagong. The new situation which has arisen in Chittagong to which he made reference has already received the close attention of the Government. The District Magistrate of Chittagong who was here last week-end received our full assurance of financial assistance in enabling him to deal with the emergent situation that faces that district. There will be no question of Government hesitating to spend money on Chittagong or on other rural

areas which may be necessitated by actual events; but, of course, as I emphasised the other day, the main point is that we should spend money for civil defence on danger zones. It is not expected that there will be rivalry between Calcutta and the rural areas. Areas which fall within the danger zones must unreservedly receive equal attention from the hands of the Government for the preservation of public interests. Among other points which Mr. Kabir has raised one is about burning of files in March or April. Well, I do not think that he was suggesting that the new Finance Minister should try to deal with the problem in such an easy but dangerous manner. He raised the question of tailors' grant. He has a clever way of making things relevant which are otherwise irrelevant. He has raised the question of shop-keepers who suffer from the consequence of black-out—of course black-out comes within the purview of civil defence. Now, Sir, it is true that there will be many departments which will suffer on account of the dislocation due to the war. I do not say that Government has found it possible to alleviate the suffering of every section of the public, but it is trying to do all that it can possibly do. On this difficult occasion any helpful or constructive suggestion from any quarter will be gratefully received by the Government. I do not think that there is anything more with regard to the details that need my observation.

With regard to the question of relief, I know, Sir,—that this is not the best way of solving the problem, but still Government was faced with a very serious situation. There was this unprecedented havoc by flood and cyclone and if Government had not come forward with the offer of relief, Government would have been very strongly criticised by the same speakers who have described that the relief was even now inadequate. As regards the method of distributing relief, I share the apprehension expressed by the speaker that sometimes these doles are distributed in a manner which are not consistent with the actual needs of the people of the locality. In some cases attempts hav been made to associate non-officials with the distribution of relief. If constructive suggestions are made by members in respect of this matter, that also will receive sympathetic consideration of Government.

## Programme of Business.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** For the information of honourable members of the House I may announce at this stage that to-morrow's business will include, in the first place, the discussion of civil defence measures on a statement to be made by the Hon'ble Mr. Santosh Kumar Basu, and in the second place, of course if there is time left, the discussion of any very urgent non-official business.

**Mr. HUMAYUN KABIR:** May I through you, Mr. President, request the honourable the Leader of the House, to consider the advisability of giving the House an opportunity of expressing some opinion on the expected Statement of Mr. Churchill? This is creating a good deal of interest, for nobody knows of what sort the announcement will be: it may be absolutely disappointing, or it may contain some satisfactory features, we cannot say as yet, but since the House will be in session till to-morrow, if not till the day after, and the Statement is likely to be made to-day, I hope, Sir, you will allot us another day for discussion of the Statement.

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** I am afraid it is not possible to fix any day or date in a state of uncertainty. Of course, if the expected Statement of the Prime Minister comes out to-day, then the House may have an opportunity of discussing it to-morrow. But I do not know that the time can be extended beyond to-morrow according to the programme of business arranged by Government.

**Mr. HUMAYUN KABIR:** Sir, cannot we have another day, say, Wednesday?

**The Hon'ble Khan Bahadur M. ABDUL KARIM:** We can consider this point to-morrow.

**Mr. PRESIDENT:** The Council stands adjourned till 2-45 to-morrow.

## Adjournment.

The Council then adjourned till 2-45 p.m. on Tuesday, the 10th March, 1942.

## Members absent.

The following members were absent from the meeting held on the 9th March, 1942:—

(1) Mr. Altaf Ali.
(2) Mr. Kader Baksh.
(3) Khan Bahadur Rezzaqul Haider Chowdhury.
(4) Mr. N. C. Datta.
(5) Mr. K. K. Dutta.
(6) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(7) Mr. R. W. N. Ferguson.
(8) Mr. Mohamed Hossain.
(9) Khan Bahadur Syed Muhammad Ghaziul Huq.
(10) Khan Bahadur Muhammad Asaf Khan.
(11) Maulana Muhammad Akram Khan.
(12) Mr. W. B. G. Laidlaw.
(13) Sir T. Lamb.
(14) Mr. J. McFarlane.
(15) Mr. Naresh Nath Mookerjee.
(16) Dr. R. K. Mookerji.
(17) Mr. T. B. Nimmo.
(18) Mr. R. Pal Chowdhury.
(19) Khan Bahadur Mukhlesur Rahaman.
(20) Mr. J. B. Ross.
(21) Mr. B. K. Roy Chowdhury.
(22) Mr. S. N. Sanyal.
(23) Rai Sahib J. M. Sen.
(24) Sir B. P. Singh Roy.
(25) Raja B. N. Sinha Bahadur.

B. G. Press—1942-43—1298A—750.

# BENGAL LEGISLATIVE COUNCIL DEBATES

**First Session—No. 13.**

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 10th March, 1942, at 2-45 p.m., being the thirteenth day of the First Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

## QUESTIONS AND ANSWERS

### Srijukta Bimal Protibha Devi.

**119. Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if Srijukta Bimal Protibha Devi was sentenced under the Defence of India Rules to one year's simple imprisonment and was classed in Division I;

(*b*) if she is being accorded the same treatment in the Presidency Jail as is allowed to Division I prisoners;

(*c*) if the Division I prisoners can have their own diet, clothings, etc., from outside, and also newspapers, other than the *Azad* and the *Statesman* at their own cost;

(*d*) if it is a fact that some ordinary sweets supplied to her from outside by her sons at the time of interview, were refused by the authorities and her request to subscribe for other newspapers were turned down;

(*e*) if she is suffering from intestinal ulcer and cannot therefore take jail diet of rice or its substitute jail *roti;* and

(*f*) if on her repeated request to have the diet substituted by equivalent pieces of toasted bread and butter as also for extra cups of tea was refused by the authorities?

**MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq):** (*a*) She was sentenced to one year's simple imprisonment and to pay a fine of Rs. 250 or in default further 6 months' simple imprisonment and was classed in Division I.

(*b*) Yes.

(*c*) The hon'ble member is referred to the provision in rules 1053, 1054 and 1074 of the B. J. Code, Volume 1, a copy of which is in the library. Division I prisoners are supplied with the *Statesman* and the *Nabajuga* at Government cost.

(*d*) and (*e*) No.

(*f*) No. On the other hand, besides the diet prescribed in the Jail Manual she was given certain extra diet.

**120. Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if it is a fact that Srijukta Bimal Protibha Devi, a Division I prisoner now in the Presidency Jail, is segregated for all practical purposes;

(*b*) if it is a fact she is not allowed to stay outside her cell for more than 1 hour in the morning and 1 hour in the afternoon;

(*c*) if it is a fact that she is not allowed to talk with any fellow-prisoner even during these hours;

(*d*) if it is a fact that in the ward in which she is lodged are confined prisoners suffering from leprosy; and

(*e*) if these latter prisoners have been removed; if so, when; if not, why not?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) to (*d*) No.

(*e*) Does not arise.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister be pleased to state whether it is not a fact that this question was put in July, 1941?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** It is long before I came into office in the new Ministry and I do not know.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister be pleased to state when was this answer prepared?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** The answer was prepared later on.

**121. Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Government propose to arrange—

(*a*) for Sreejukta Bimal Protibha Devi to have proper company in jail and end this virtual segregation;

(*b*) for proper facilities as a Division I prisoner with regard to diet, clothings, interview with her sons and daughter and relations at the Presidency Jail under better conditions, and for censoring of correspondence, books, etc., without unreasonable delay; and

(*c*) for facilities to enable her to subscribe to Bengali or English newspapers other than the *Azad* and the *Statesman* at her own cost?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) She has not been segregated.

(*b*) and (*c*) She will be treated in this respect in accordance with the Jail Code, a copy of which is in the library and to which the hon'ble member is referred, unless her conduct renders her liable to the curtailment of any privilege as a disciplinary matter.

**Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister be pleased to make an enquiry about the case of this lady now in jail as to whether really she is put to all the inconveniences referred to in questions Nos. 120 and 121? I have been informed that she is still suffering from inconveniences which can be avoided.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Very well, I will make enquiries.

### Agricultural debt.

**23. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) what is the total estimated agricultural debt of Bengal;

(*b*) what is the total annual or seasonal debts and the total long-standing debts;

(*c*) what is the number of land mortgage banks so far established for tackling long-standing debts;

(*d*) what is the aggregate capital of such banks;

(*e*) what percentage of long-standing debts have been touched by existing banks;

(*f*) whether land mortgage bank allows loan to any agriculturist whose debt is more than half the total value of his assets; and

(*g*) at the present rate of progress made by the land mortgage banks, how many years the land mortgage banks are estimated to grapple the entire amount of long-standing debts of the agriculturists of the Province?

**MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Khan Bahadur Maulvi Hashem Ali Khan):** (*a*) and (*b*) Accurate figures about these are not available.

(*c*) Five. Another five will be set up soon.

(*d*) Rs. 6·83 lakhs.

(*e*) *Vide* answer to (*b*) above.

(*f*) No loan is granted exceeding 50 per cent. of the market value of the land hypothecated and 75 per cent. of the total income derived from the land.

(*g*) No estimate is possible at this stage.

### Flood in the Sabang thana.

**24. Mr. HUMAYUN KABIR (on behalf of Rai Bahadur Manmatha Nath Bose):** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if he is aware that the major portion of thana Sabang, in the Sadar subdivision of the district of Midnapore, is being inundated for three successive years (including this year) resulting in total failure of crops in that area? What steps have the Government taken or intend to take to prevent the recurrence of the inundation and consequent damage?

**MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Khan Bahadur Maulvi Hashem Ali Khan, on behalf of the Hon'ble Mr. Shamsuddin Ahmed):** Some unions of police-station Sabang lying to the north of the river Kaliaghye were affected by floods from the river as well as by local rainfall in 1939, 1940 and 1941. No information is available as regards the extent of damage to the crops in the affected areas. A scheme for widening and deepening the bed of the river Kaliaghye from Langolkota to Sewlipur has been sanctioned, but owing to certain legal difficulties involved in its execution, it has not yet been possible to take up the scheme. The matter is under examination by the legal advisers of Government.

**Nagbari Union Board.**

**25. Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) if a resolution has been passed by two-thirds of the members of the Nagbari Union Board under Kalihati police-station in Tangail subdivision in the district of Mymensingh for the removal of the President of the said Union Board, at a special meeting held on the 1st June, 1941;

(*ii*) if the Subdivisional Officer, Tangail, after due enquiry into the matter, forwarded the same resolution of the special meeting of the said Union Board supporting the recommendation for removal of the President;

(*iii*) if the Chairman of the Mymensingh District Board has disregarded the suggestion of the Subdivisional Officer, Tangail, for taking action under section 16 of the Bengal Village Self-Government Act, 1919, and has cancelled the order of the Vice-Chairman of the District Board to put up the papers at the next meeting of the District Board, and has shelved the file without putting it up before the District Board for necessary action;

(*iv*) whether the said action of the Chairman of the District Board of Mymensingh has created an impasse in the administration of the Union Board in question and has occasioned default in the performance of the duties imposed upon the Union Board, *e.g.*, non-assessment for imposition of the union rate, non-payment of the dafadars and chaukidars and other establishment of the Union Board for a long time, non-execution of all works of public utility and has resulted in great inconvenience of the general public; and

(*v*) if in view of the total deadlock in the administration of the Union Board, as stated above, the Circle Officer, Tangail, has threatened the Board with letter No. 741, dated the 5th September, 1941, addressed to the President of the said Union Board, with taking action under section 54 of the Bengal Village Self-Government Act, 1919?

(*b*) If the answer to the above questions be in the affirmative, will the Hon'ble Minister be pleased to state what action is proposed by the Government to be taken in the matter?

**MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Santosh Kumar Basu):** (*a*)(*i*) Yes.

(*ii*) and (*iii*) No enquiry has been held by the Subdivisional Officer and no suggestion has been made by him. It, however, appears that the Vice-Chairman of the District Board directed that the matter might be considered at a meeting of the District Board, but the Chairman of the District Board obtained the President's explanation, from which it appeared that no notice of any requisition meeting had been served on the President, and that no special meeting of the members of the Union Board had been held. A no-confidence resolution was, however, passed against the President, but no action was then taken, as it did not come within the purview of section 16 of the Bengal Village Self-Government Act. Another no-confidence resolution was passed against the President on the 4th November, 1941, and that is now under the consideration of the District Board, which has been reminded.

(*iv*) and (*v*) An impassee was created to a certain extent, as a result of which a tahsildar was appointed under section 54 of the Act.

(*b*) Government prefer to await the result of the action which the District Board are taking under section 16 of the Act.

**Khan Sahib ABDUL HAMID CHOWDHURY:** Will the Hon'ble Minister be pleased to state if any enquiry has been made to find out if notice for requisitioning a meeting had been sent to the President?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Well, I am not aware of any such enquiry but I may consider the point and find it out.

**26. Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) if it is a fact that the President of the Nagbari Union Board in the district of Mymensingh is almost illiterate, his education not going beyond his capacity merely to put his signature with difficulty, and consequently he is absolutely incapable of checking the accounts of the Union Board;

(*ii*) if it is a fact that the President is absolutely ignorant of the rules and procedure of business of Union Boards and thus he is quite incapable as President;

(*iii*) if it is a fact that taking advantage of the illiteracy and ignorance of the President of the said Union Board, rate collectors of the Union Board have on several occasions embezzled money of the Union Fund with impunity and the administration of the Union Board has hopelessly deteriorated; and

(*iv*) if it is a fact that the said President does not call meetings of the Union Board though formally requisitioned by the members in the interest of good administration of the Union Board and is accordingly guilty of negligence of duty and refusal to act?

(*b*) If the answer to the above question be in the affirmative, will the Hon'ble Minister be pleased to state if it is in contemplation of the Government to take action under section 56(*1*)(a) of the Bengal Village Self-Government Act, 1919, to remove the President of the said Union Board from his office both as President and as member? If not, why not?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** (*a*) (*i*) Yes.

(*ii*) He is not well-conversant with the Rules.

(*iii*) Such accusations were made and are being enquired into and a tahsildar has already been appointed under section 54 of the Bengal Village Self-Government Act.

(*iv*) The allegations could not be substantiated.

(*b*) An enquiry under section 16 of the Bengal Village Self-Government Act has already been taken up by the District Board, which has been asked to expedite it, and the question of taking action under section 56(*1*)(*a*) of the Act will be considered in due course.

## Gumti Embankment.

**27. Mr. LALIT CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether he is aware that since the inauguration of the present Legislatures, there has been a series of questions regarding the Gumti embankment in Tippera in both the Houses of the Legislature and that the Government once even drew up estimates for "Escapes" but subsequently abandoned the scheme in favour of removal of the embankment after survey?

(*b*) If so, has that survey been completed? And what, in short, is the final recommendation therein?

(*c*) Do Government propose to take final decision on the Gufiti embankment question and carry it into execution without any further loss of time?

(*d*) Will the Hon'ble Minister please give an idea of the approximate time within which execution of Government project in relation to the embankment is likely to be completed?

**The Hon'ble Khan Bahadur Maulvi HASHEM ALI KHAN (on behalf of the Hon'ble Mr. Shamsuddin Ahmed):** (*a*) Yes.

(*b*) to (*d*) Yes, but no final recommendation has been made for the consideration of Government. The feasibility of the abandonment of the embankments is still under investigation of the departmental officers. The problem is a complex one, and it is not possible to specify a definite time-limit within which a practicable solution will be found. All possible steps are, however, being taken to expedite the matter.

## Short-notice question.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, when my friend Mr. Nur Ahmed wanted to move an adjournment motion the other day, I promised to reply to any short-notice question that he might think proper to give notice of instead of moving that motion. I have got the answer to the short-notice question of which he gave notice. His question runs as follows:—

(*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many Moslems and how many Moslem students have been arrested or detained from the beginning of the assumption of office by the present Ministry, for making demonstration or delivering speeches against the present Ministry; and, if so, who are they?

(*b*) Is it a fact that the District Magistrate of Noakhali issued a notice asking the people to join the reception to be given to the Hon'ble Ministers on the occasion of their visit to Noakhali and threatened to punish those who would make any demonstration against the Ministers?

(*c*) Is it a fact that the said District Magistrate asked for explanation from some leading Moslem leaguers for staging demonstration against the Ministers?

(*d*) Is it a fact that some Moslem students of the Feni College have been expelled and some have been deprived of their scholarships and stipends on the allegation of their taking part in the anti-Ministry demonstration at Feni? If so, what are the names of these boys?

(*e*) Is it a fact that the Moslem officers such as Subdivisional Officer, Sadar, of Chittagong, District Magistrate of Jessore, etc., have been

transferred with a view to post Hindu officers who are thought more safe for the interest of the Ministry? If not, why have they been transferred?

My reply to the above is as follows: (*a*) The information is not at present available but is being collected.

(*b*) No; a copy of the notice referred to is placed on the library table.

(*c*) So far as I know such an explanation was called from only one gentleman.

(*d*) Sir, as regards this, I may tell for the information of the House that the boys have expressed regret, the strike has been called off and no action has been taken as they have been pardoned.

(*e*) No; the Sadar Subdivisional Officer, Chittagong, was replaced by a senior Moslem officer in the interest of public service. Mr. Khan, the District Magistrate, Jessore, was transferred in the chain of arrangements necessitated by the appointment of Mr. Hughes, District Magistrate of Mymensingh, as Labour Commissioner.

## Questions which still remain unanswered.

**Mr. PRESIDENT:** The following table gives the number of questions concerning the different departments of the Government pending for reply from December (1941) Session: Home Department—4; Finance Department—2; Agriculture and Industries Department—3; Public Health and Local Self-Government Department—1; Education Department—4; and the Revenue Department—1; in all 15 questions.

The following table gives the number of questions of the current session pending for reply: Home Department—8; Agriculture and Industries Department—1; Civil Defence Department—7; Public Health and Local Self-Government Department—6; Education Department—5; Revenue Department—2; Judicial Department—3; Co-operative Credit and Rural Indebtedness Department—2; Communications and Works Department—1; totalling 35 questions.

## Point of Information.

**Mr. HUMAYUN KABIR:** Sir, we have often drawn your attention to the large number of questions which remain outstanding. In this session also we have the same story. We realise that this session specially has been a very difficult session for the new Ministry, but we hope that steps will be taken to see that there is no repetition of the same from session to session. This is one matter to which I want to draw your attention.

The second matter is in connection with the allowance of petrol to the members of the Legislature. I raised the matter once before and the Hon'ble the Finance Minister told us that nothing had been decided so far as the members of the Provincial Legislature were concerned, but promised to look into the matter and see if anything could be done. I am told that since then there have been some developments so far as the members of the Lower House are concerned. I would be obliged if he makes a statement as to whether the facilities given to the members of the Lower House can be extended to the members of this House also. To-day is the 10th of the month and we have sat for more than 8 days, so it is time that we take advantage of the offer of some more petrol on account of our attendance to this House.

**Supply of additional quantity of petrol to members of the Council.**

**Mr. PRESIDENT:** The Chair was going to announce that it had received from Mr. A. D. Khan, I.C.S., the Provincial Petrol Rationing Authority, Bengal, a letter regarding petrol ration for the members of the Legislature during the sessions. The letter in paragraph three says, "for members of the Legislative Council it will be convenient to allow them half a gallon per day for the days the Council sits, and as the number of such sittings is not likely to be large, this additional quantity suggested will not be very great, etc."

So it has now been decided that members of this House will get an extra half a gallon per day for attending the meetings of the Council. This letter was received in my office only late yesterday; but, how far it will help the members is not known seeing that we are going to prorogue to-day.

**Mr. SHRISH CHANDRA CHAKRAVERTI:** Will it not be retrospective?

**The Hon'ble Dr. SYAMA PRASAD MOOKERJEE:** No, Sir, it is not possible to give retrospective effect to this supply. So far as the Upper House is concerned, as it is going to be prorogued to-day, members will only have one gallon——

**Mr. SHRISH CHANDRA CHAKRAVERTI:** Why one gallon, and not half a gallon, since the order reaches us only to-day?

**The Hon'ble Dr. SYAMA PRASAD MOOKERJEE:** I passed orders yesterday and it will have effect from yesterday.

**Mr. J. B. ROSS:** All right, let us have that one gallon or half a gallon.

**The Hon'ble Dr. SYAMA PRASAD MOOKERJEE:** Coupons for the purpose should be sent to the Secretary to the Council and one gallon extra petrol for these two days will be given to each member of the House.

**Mr. SHRISH CHANDRA CHAKRAVERTI:** Is this being done because the Council session is going to be prorogued to-day?

**Khan Sahib ABDUL HAMID CHOWDHURY:** May I know, Sir, it all the members of this House will be entitled to this half a gallon per day?

**The Hon'ble Mr. SYAMA PRASAD MOOKERJEE:** Of course, only those who have got their cars will get this extra half a gallon.

## Air Raid Precautions measures.

**Mr. PRESIDENT:** The House will now discuss the Air Raid Precautions measures of the Government.

**Mr. LALIT CHANDRA DAS:** Sir, may I know if this will also include measures for Civil Defence?

**Mr. HUMAYUN KABIR:** Sir, what will be the procedure? Will the Hon'ble Minister in charge of Civil Defence first make a statement or is it expected that members will first open the discussion?

**Khan Bahadur NAZIRUDDIN AHMAD:** We had expected that Sir Bijoy Prasad Singh Roy would be here to initiate the debate because it was mainly at his request that this discussion has been arranged; but he is not present in his place.

**Rai Bahadur KESHAB CHANDRA BANERJEE:** Perhaps it would be better if the Hon'ble Minister were to initiate the discussion; that would cut short the debate and also give us a clue to the plans of the Government.

**Mr. HUMAYUN KABIR:** Or will the Hon'ble Minister simply reply to the debate?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Sir, so far as I am concerned, I was only asked to arrange a day and I have succeeded in getting a day allotted for this business. I think it is for the hon'ble members who are so anxious to find out the real position with regard to Civil Defence to address the House in the first instance.

Unfortunately, my friend, Major Sir Bijoy Prasad Singh Roy, is not in the House just now. I do not know, Sir, what procedure should be adopted, but I am entirely in the hands of the House.

**Mr. HUMAYUN KABIR:** In that case, Sir, I may be allowed to place some of my difficulties before the Hon'ble Minister, specially following upon the discussion that we had yesterday. You will remember, Sir, that I paid my tribute to the energy and ability of the Hon'ble Mr. Basu, at the same time suggesting that it was, perhaps, too much to expect any one person to be able to deal with the question of Civil Defence in a comprehensive manner after attending to the problems of the heavy department of Local Self-Government. The Hon'ble Finance Minister was pleased to reply yesterday to the effect that experience in England suggests that one Civil Defence Minister is not adequate, that the same experiment was tried in England of placing the whole thing in charge of one Minister but because that plan did not succeed, the work was later on distributed among different persons.

But I would submit very respectfully that his analogy does not hold. I do not know what exactly is the source of information of the Hon'ble Finance Minister; it is true that at first Sir John Anderson was appointed Home Secretary and was placed in charge of the Civil Defence in England. I may say in passing that there cannot be Civil Defence without military defence behind it. The failure in England, however, was not on account of the fact that the whole department was placed in charge of one individual, but on account of defect in the character and temperament of the individual concerned. It was found that Sir John Anderson with bureaucratic methods which have been successful in India, could not carry on the administration in England. Feeling against him grew so strong that he had to be removed and the department was placed in charge of Mr. Herbert Morrison. In any case, there is a great difference between the conditions of England and India. In England there is a War Cabinet: the members of the War Cabinet have full control over other departments. When questions crop up affecting national welfare or any question which is of an emergent nature, this Supreme Council has the power to over-ride the decision of subordinate Ministers or subordinate departments. If here we are to have a Defence Co-ordination Minister, he should be solely the Defence Co-ordination Minister and should have over-riding powers. Mr. Basu does not have such powers. I do not know exactly the status and position he occupies in the Secretariat. But it is found that the work of civil defence here is distributed amongst many departments, each being responsible for its own portion of the work. It is said that about 75 per cent. of the work which has to be done in connection with civil defence measures

belongs to the Public Health and Medical Department. It may be so, but at the same time it is found that the key position in the scheme is that of the Director of Civil Defence and he is an officer who is not attached to the Hon'ble Mr. Basu. He is an officer attached to the Home Department. The Civil Defence Co-ordination Minister would be a Minister in the real sense of the term if the Director of Civil Defence were also placed under his charge. If the work is distributed between different departments and if Mr. Basu is to serve as a post office only—only as a connecting link through which the various departments concerned may come in contact with one another—in that case he cannot do justice to himself in the office in which he has been placed to-day. Division of authority and distribution of work among many heads of departments takes away all possibilities of real co-ordination. In order that there may be real co-ordination, this co-ordination must take place in a single brain at the top. Unless there is one Minister in charge of co-ordination who has a clear idea as to what ought to be done, unless he plans the whole scheme, how is it possible for different departments in charge of different men to give us a unified picture? Different departments have their departmental vested interests to consider. How can the whole scheme of defence be brought into one focus without a single executive head? Concentrate these into the civil defence portfolio and it can be recognised as one unitary organisation. Unless this is done, there will be difficulty in the way of working out the scheme and I hope Mr. Basu will bear me out.

Again, Sir, as I was saying the other day, Mr. Basu is the most heavily burdened Minister in the country. He has got the portfolio of Local Self-Government which includes Public Health and Medical Departments. He has to deal not only with the metropolis of Calcutta, not only with the district towns and subdivisional headquarters, but he has to deal with the villages through union boards and other local organisations which are controlled through the Local Self-Government Department. If he is to pay proper attention to Local Self-Government, Public Health and Medical Departments in addition to Civil Defence, the burden will be too heavy for even the ablest of men.

These also are very important departments which concern the very life and welfare of the population of the province. I think it is hardly conceivable that even a man of the ability of the Hon'ble Mr. Basu can give that attention and that concentrated interest to the question of civil defence which it now requires. Now, Sir, I am reminded in this connection of what happened in England in the course of the last Great War and what is happening in England to-day during the present war. The example of England was refered to in this House yesterday. I think, Sir, that such examples should be brought in only in order to learn by their mistakes. Mr. Churchill himself in his great history

of the War of 1914-18 pays a very eloquent tribute to the giant strength of Lord Kitchener. At the same time, Mr. Churchill says that such heavy burdens were imposed upon Lord Kitchener that many of the calamities which the British forces had to suffer in different parts of the war theatre were due to the fact that one man's energy, interest and attention could not be distributed over such a vast field. Again, Sir, to-day in England, nobody denies that Mr. Churchill is a man of very great abilities. At the same time, we find that in the course of the last year or year and a half there have been a continuous demand that more and more departments should be taken away from Mr. Churchill and left to the charge of individual Ministers. Mr. Churchill should be left entirely free to plan the general campaign, to work out the strategy, do the staff work so to speak, in order to organize victory. Now what holds good there is equally true here. It is also significant to note that Mr. Churchill, who at one time opposed such moves for the creation of new portfolios, for the creation of new offices of Ministers, was forced by the pressure of public opinion to recognise the need for separate portfolios, such for example as the Ministry of Supply, that of Production, etc. These are cases which have occurred in the recent past. I think they need only be mentioned in order to draw the attention of hon'ble members of this House to the fact that here also, if civil defence is to be effective at all, we must have one man, one of our ablest men, placed entirely in charge of civil defence, who can think about it, who can plan ahead, who can foresee the contingencies, who can think in terms of future possibilities and accordingly plan the steps which should be taken in meeting such contingencies as they arise. Now, Sir, a Minister who is in charge of other portfolios cannot be expected to do so. It would be too much to expect. I think it is laying an unfair burden on a very able man to demand the impossible from him. That was the reason why yesterday I pleaded that the Civil Defence Department, if it is to be a Civil Defence Department (or call it the Civil Defence Co-ordination Department, the name does not matter), should constitute a separate charge. It is necessary that an able man should give the best of his energy for all the 24 hours, should concentrate all his thoughts on, direct all his activities to the organisation of such a department, if it is to be really effective. Therefore, Sir, the point I made yesterday still remains unanswered, and I am not convinced by the arguments put forward for not having a Minister who is entirely in charge of Civil Defence.

Now, this brings me, Sir, to the next topic which I think ought to be examined at this stage, though here I quite realize that the Hon'ble Minister has very little responsibility. This is the question of what exactly is meant by civil defence. If we are to take the term "defence" literally, defence means the taking of such steps that

aggression cannot take place. Defence means the safeguarding of interests and values against attack. Now, Sir, the Civil Defence Department in Bengal is confessedly not such a department. It can do nothing to resist aggression. It can do nothing to prevent air-raids. It can do nothing to prevent an attack by sea or by land. Therefore, Sir, the proper name of this department would have been, not Civil Defence Department, not Civil Defence Co-ordination Department, but Civil Life-saving Department. It is really a sort of extended Red Cross work, enlarged Salvation Army work. If there is actual damage by aerial bombardment or some other form of aggression, well, whatever be the form of calamity with which we may be faced, the work of the Civil Defence Co-ordination Minister will be only to see that the loss to human life the actual suffering and misery is lessened, as far as possible. Therefore, Sir, it is a question not of civil defence but of life-saving, an extension of Red Cross work. Sir, this is neither the time nor the occasion to go into the history as to why civil defence is not possible here. In other countries civil defence has been possible because there has been the army in the background and that army has been backed by enthusiastic, effective and active popular support.

In England, the resistance has been magnificent and that has been possible because it was backed by the enthusiasm of an aroused people. I asked some English friends who came to me recently to consider why it is that in the Philippines, where there are hardly 10,000 soldiers, General MacArthur has been able to resist so magnificently the Japanese attacks, while in Malaya, Signapore and Burma, with a larger army, with better equipment, the British were not able to put up the same heroic resistance. Perhaps hon'ble members of this House remember that only a day before the surrender of Signapore, we saw in the papers a statement that the soldiers there would fight to the last man, but the very next day the defence collapsed. From the figures which Mr. Churchill gave to the House of Commons, we know that some 73,000 soldiers, if not more, were taken prisoners. Why is it that 73,000 soldiers, equipped with all the armaments which modern ingenuity can place in their hands, surrendered? I told them that there are only two alternative ways of explaining this surrender, and I want to repeat them here for my European friends. I hope they will pardon me if I put it a little bluntly. I told them that the only inferences one can draw from such examples are the following: either your men are utterly inefficient and worthless or there is something radically wrong in your system. I do not like to believe that all Englishmen are worthless or inefficient; but in that case there is certainly something wrong in their system. The Americans have put up a stubborn resistance in the Philippines. Mr. Hore-Belisha, while describing this surrender

at Singapore, said the other day that it is the absence of active local support, energetic local support which makes all the difference. In Malaya that support was not forthcoming, but in the Philippines that support was available. This shows that the question of civil defence is also a political question. It is, I think, true that there is great deal of apathy here in India. That enthusiastic resistance against the aggressors is not forthcoming which is the first condition of successful resistance to an invasion. If civil defence is to be effective, something must be done which evokes the enthusiasm of all, which will rouse people to such levels as the Chinese who fought against the enemy with bare hands and flesh. A psychological revolution will have to be brought about in our country if successful resistance is to be organised. In this matter, the European community in India has an important part to play. They will have to change the heart of the Governments of India and England. Protests from non-European sections of the people alone will not be able to change the heart of the British Government. I understand that there are Europeans who are of this opinion, who realise the fact that if resistance is to be successful, the Indians must be trusted, and that the distrust and suspicion which has ruled in the past must go. A psychological transformation must be brought about. Therefore, Sir, this question of civil defence, if it is to be real civil defence, has to be linked with the question of rousing the enthusiasm of the people.

We hope that something might be done even at this late hour, at this late stage, in order to rouse the enthusiasm of the Indian people. But it must be done before it is too late. I would remind my European friends of what happened in 1905-1906. Mr. Campbell-Bannerman, a statesman of great foresight and great imaginative courage, in spite of the opposition of the rank and file of the Tory politicians, gave Dominion Status to South Africa. To-day Dominion Status is dead so far as India is concerned, but there is yet time for generosity and vision, for a gesture of imaginative courage like that shown by Mr. Campbell-Bannerman in 1905. This magnificent gesture won over the Boers and they stood steadfastly by the side of the British in the great cataclysm of 1914.

If such imaginative courage is forthcoming even at this late stage, if real political insight, if a real act of statesmanship is forthcoming even at this late stage, it may be that in spite of the lateness of the hour, a psychological transformation may take place; and if such psychological transformation does take place, the question of civil defence will undergo a radical tranformation.

If, however, this does not take place or if this cannot be brought about, we can only confine ourselves to humanitarian work, doing salvage work and rescuing the wounded from the debris which threatens to overwhelm all of us at the present time. We can surely

co-operate in this irrespective of all party or political considerations, irrespective of all racial or national considerations and barriers; we can surely co-operate in this matter of relieving the miseries of the wounded to the best of our power. But this requires planning for co-operation and co-ordination. As yet there is no definite plan with regard to the evacuation of the city. It is indispensable that any area that is threatened in such a manner should have a planned system of evacuation. Sir, as soon as the War broke out on the 3rd September, 193 long before there was any actual attack or air raid upon London by any German airship or airplane, the systematic evacuation of London had begun; and children, women and all unnecessary persons were removed from the city. The whole country was surveyed and divided into definite districts. Systematic planning was taken in hand to decide where a particular school would go, where a University would go, where a particular civil department of Government would go. But, here, in Calcutta, unfortunately nothing of the kind has been done. To-day, as my hon'ble friends will bear me out, the danger to Calcutta is not perhaps less than the danger to London in September, 1939. Have we started any systematic evacuation? Have we divided the province into regions where different civil departments should go? Where will the civil population remain during the period of the crisis? Have we planned where the schools and the colleges are to go? We have even now in Calcutta a large number of school and college students. The University is functioning, the colleges are functioning, but they can function only in name. This is not the atmosphere in which actual intellectual work can be done. There is not the necessary atmosphere and background where intellectual problems can be tackled in detachment, with patience and disinterestedness. Everybody is troubled with the vague possibility of what might happen and it seems nobody knows what that might be. It may be that nothing may happen to Calcutta, while on the other hand a disaster of a unique type may also befall Calcutta. So, in view of this uncertainty, intellectual work in a college or University is practically impossible. No doubt, classes are held, teachers come and a fraction of the students also attends the classes; but the sort of work that is expected to be carried on in a college or a University is not being done. Then, again, there are areas which the layman regards as specially dangerous, such as port areas, the dock areas in Kidderpore, the King George's docks. Their neighbourhoods have not been sufficiently protected. These are some of the areas which will invite the special attention of the enemy if he should come to Calcutta. Yet, on the other side of the Dock area, we find that the work of the Sibpore Engineering College is going on as usual. If there should be an attack directed against the docks, what will happen to the large number of students that are studying in that College? As I have said, Sir, the same thing applies with regard to the Calcutta schools.

In Moscow and London, successful resistance was possible because the unwanted people were removed. They were removed in a planned and deliberate manner. Only those people who were necessary to fight and to carry on the essential services of the city were retained in the city. In Calcutta, it is evident that we have not yet had any definite planning of this type, or if plans have been made, they have not yet been put into effect. These are things which require publicity; they cannot be done in the secret alcoves of the Secretariat. Unless the public know beforehand what steps should be taken in case of an air-raid,—what procedure to follow, where to go, how to dispose of their properties and life, unless the public know these beforehand, how can they adapt themselves to the changing circumstances? How can they give the new Ministry that co-operation which the Ministry as a popular Ministry has the right to demand?

Again, Sir, I would suggest that the A. R. P. organisation should be made more effective. The civil defence organisation, as I have suggested, is an organisation for saving the life and property of the civil population and not really a civil defence organisation in the proper sense of the term. Yet, for live-saving as well, it should be well-knit and effective. It should be organised in a way which will enable it to carry out its functions properly. Sir, we welcomed the conference which was called on Saturday last in this Chamber. It was suggested that there would be a Public Defence Committee which would be constantly in touch with the Hon'ble Minister in charge of Civil Defence Co-ordination. This Committee will help him to develop the A. R. P. and defence organisation necessary. This is a move in the right direction, but it requires further definition. I would lay before the Hon'ble Minister certain suggestions for his consideration.

I understand that Calcutta has been divided into 23 areas and there are chief wardens for each. Some wardens have been appointed and there is an idea of recruiting 16,000 men who will be wardens. There would also be an organisation for fire-fighting. But these are distributed between different departments and the work can be effective only if there is one Hon'ble Minister placed in charge of the whole thing, so that in case of emergency, he may be able to take action immediately. Otherwise, if the Hon'ble Minister has to send his proposals to the Home Department and wait for examination by that department of the pros and cons of his proposals what will happen? There will be notes and queries and marginal notes. Then the proposals will be sent to other relevant departments for opinion and returned to the Hon'ble Minister after a week or 10 days saying that there are difficulties in the way of giving effect to his proposals. In a word, Sir, the position will be impossible and the real work will suffer. So the Hon'ble Minister for Civil Defence

must have over-riding powers. He should come in contact directly with the officers of the departments which have to deal with A. R. P. in the limited sense of the term. I think each of these departments should have a representative attached to the Hon'ble Minister in charge of Civil Defence Co-ordination. These officers should have the power and authority to come to a decision so far as their departments are concerned and they should intimate the decision to the Hon'ble Minister in charge of Civil Defence Co-ordination and take orders from him and carry out the orders in their respective departments.

As I said before, there are eleven Indian Civil Service Officers connected in various ways with the A. R. P. and Civil Defence organisations and some of their functions are not well-defined. The Home Department, the Communications and Irrigation Departments, Public Health and Medical and other departments will primarily do the A. R. P. work. If each of these departments has a Joint or Additional Secretary and these with A. R. P. Controller and the Commissioner of Police, Calcutta, are formed into a nucleus, this will serve as the central staff attached to the Hon'ble Minister, Civil Defence Co-ordination. They will form his executive and can carry out the whole scheme. In that case, I think, the decisions of the Civil Defence Minister can be immediately carried into effect. Otherwise, there is bound to be delay and there will be great difficulty in carrying out the schemes.

Then, Sir, I come to the question of the Civil Defence Committee which is being formed with representatives of the citizens. This Committee should also be continually in touch with the Hon'ble Minister in charge of Civil Defence Co-ordination and it should advise him in all matters relating to the public needs. But the final decision must rest with the Hon'ble Minister. I do not think it will be proper to suggest that the final decision should rest with the Committee, as in that case the decision will be more dubious and procrastinating. It is fit and proper that the final decision should rest with the Hon'ble Minister in charge of Civil Defence Co-ordination for he is ultimately responsible. He should be in touch with public opinion through this Committee. This would be a sort of Defence Cabinet, and its staff will consist of the officers representing the various departments concerned and the A. R. P. Controller and the Commissioner of Police, Calcutta. This executive body will help the Hon'ble Minister in carrying out the work and coming to a decision.

Sir, there are 23 A. R. P. stations in Calcutta: these may be divided into sub-stations with an officer in charge of each. I understand that the general scheme is that there should be 10 warden posts to the square mile. So far 231 warden posts have been created in the 23 district areas. If we have 10 or 15 wardens to each post, we can build up a nucleus organisation of 3,000 to 4,000 men. We will have

staff officers in these 23 district areas with large powers given to them. We can have four or perhaps six inspecting officers to look after, control and organise these 23 districts, and through these officers place the staff officers in immediate communication with the central executive staff.

The picture there is something like this. Under these 23 staff officers we have 230 or 240 chief wardens who are placed in charge of definite duties in a warden's post. Their duties are allocated and under them we have 3,000 or 4,000 paid wardens to carry out orders. We can thus have a small but an effective organization. The Hon'ble Minister himself knows that 4,000 disciplined men are far more valuable and serviceable than 10,000 people who are a rabble. That is unfortunately the position to-day. The recruitment aimed at for the A. R. P. was 16,000 and out of those recruited, very many have proved unsatisfactory. Some had to be dismissed. In many cases, they are volunteers who do other work; very many of them have neither the capacity nor the will to give their whole time to A. R. P. work. If instead of this huge department which has a mass of men but little or no organisation, we have a small skeleton staff of the Central Executive which will be under the direct control of the Hon'ble Minister for Civil Defence and responsible for carrying out his orders, and if under this executive we have then 23 sub-areas with staff officers, 230 or 240 chief wardens and 3,000 or 4,000 paid wardens, who should be whole-time men, who will be given responsible——

**Mr. PRESIDENT:** The honourable member has already spoken for 20 minutes. He may, however, have another 10 minutes within which time he must conclude.

**Mr. HUMAYUN KABIR:** I believe, Sir, I shall be able to finish before that time. If a nucleus of 4,000 or so, as I have suggested, is built up, that will give the Hon'ble Minister a far more efficient organization than he has at present. In order to inspect the work of these 23 sub-areas he might, as I have already suggested, have 4 or 6 officers who will inspect, report, train and co-ordinate the activities of men in the sub-areas. These officers will report to the Central executive staff which, as I have suggested, will consist of the Hon'ble Minister as the Executive head and as his advisers the Police Commissioner, the Controller of A. R. P., the Director of Civil Defence, the Director of Civil Evacuation, an officer for co-ordination or any other officer whom the Hon'ble Minister may think it necessary to include in order to carry out his purpose and policy. In fact, my whole contention has been that all this requires planning from one brain, from one centre, from one single cell. Instead, the work is now left to the different departments of the Civil Secretariat. Yesterday I placed

before you some of the difficulties which I have in accepting the proposition that the Civil Secretariat is efficient in such matters. They may be efficient in doing file work, which often consists in allowing the files to accumulate till nothing can be done. It is an old cry to say that democracy is always more slow and round-about than rule by a single man. But I think, Sir, if anything is slower than democracy, is more procrastinating than democracy, it is the rule of a bureaucracy. Well, that is the rule of the Civil Secretariat; discussions may take place in democracy, but in a bureaucracy they are magnified by notes and marginal notes.

Now, Sir, that brings me again to the scheme which I have suggested for the Hon'ble Minister's consideration. He will be at the head of the Central Executive staff which will be composed of responsible officers who can speak on behalf of the respective departments to which they belong. There will thus be no need for reference and cross-reference and in a situation of emergency like the present, there is no time for the long-drawn tape which so frequently passes as efficiency in the Secretariat.

Lastly, Sir, we should go into the question of evacuation of civil population in a planned and deliberate manner over a long period. Our scheme should touch upon the problem of other areas in the province which are also in danger. There should be definite plans about Chittagong and Noakhali. We know how at the last moment in Chittagong steps are being taken; it was not planned over a long period. It was not done in spite of the lessons we have learnt positively and negatively in Europe and Asia. In Europe the lessons were learnt positively, because the planning was over a long period. London and Moscow did not present the sort of difficulty presented by, let us say, Rangoon or Singapore. In the case of the cities in Malaya, because there was no previous planning, the result was chaos and unnecessary human distress.

Thus, positively and negatively, it has been proved that long-term planning for the evacuation of the civil population and of people who are not wanted in a situation of emergency, who do not serve any useful purpose or essential purpose at that time, is wanted. There should be set up side by side machinery, effective machinery, to deal with changes as may present themselves at times of emergency. In order to tackle this, a Minister with very high powers, overriding powers, if necessary, should be placed exclusively in charge of Civil Defence.

With these words, Sir, I place my suggestions for the consideration of the Hon'ble Minister concerned.

**Mr. K. C. ROY CHOWDHURY:** Mr. President, Sir, I was waiting to hear more speeches on the theory of Civil Defence but since they are

not coming I would say just a few words. We have heard a great deal from our learned friend Mr. Kabir on the theory of Civil Defence, that is to say, how Civil Defence functions should be arranged, how human suffering in case of air raids will be redressed and so on. He quoted a lot of things, about British methods of A.R.P. work in England and so on and so forth. But, Sir, not a word was forthcoming from him as to how to organise civil resistance. Professor Kabir thought that the business of the Civil Defence is humanitarian work, salvage work, Red Cross work. Certainly it is most commendable and that I am sure all the departments are co-ordinating to do that but what we want is a lead from the Ministry about the organisation of the civil resistance. We know that there are defence forces, but let the defence forces have this encouragement that behind them are the huge mass of resisting population. The Fhilipinos are resisting wonderfully under the leadership of General MacArthur. They are attacking the Japanese with any weapon they can find before them. We want organised bands of men like Peshwaries, even Goondas of Calcutta, *Sonthals*, *Vils*, *Pods*, Muhammadan butchers, men who know how to kill their enemies. I would like the Hon'ble Minister to give us some lead in the matter. I may tell the House that something is being done by the Radical Democratic Party in this respect and this fact is well-known to the Hon'ble Mr. Basu himself. They are anxious to organise guerrilla forces in the villages, to give a fight to the Japanese, but by that I do not mean that the guerrilla forces will go on to the front and resist the invasion there. But they can stop the food-supply of the Japanese landing in places like Diamond Harbour, Sagar Islands, Noakhali and elsewhere. They will try to stop the food-supply and transport facilities by breaking the railway lines and Trunk Roads if Calcutta is invaded. I have no personal experience of guerrilla warfare but I do hope that our Defence Minister would kindly help us in organising these guerrillas and even getting horses. I can assure him that 10,000 students will be easily available to carry on propaganda through street marching, through procession. Professor Kabir is a sincere man, I bow down to him for all the suggestions he made. He is a leader of the students, he can organise this movement among students. Let them march through the streets of Calcutta and elsewhere with the flags with slogans "Kill the Japanese," "shoot the Japanese". Out of nearly 20 lakhs people in Calcutta about 6 lakhs have fled from the city. The carters, coolies, domestic servants, have partially evacuated. Poor people, who are still here for their bread, they have no radio, they have inadequate means of knowing what is happening elsewhere. No posters reach them.

We want people to go among the common people and ask them, exhort them not to desert Calcutta. If the Hon'ble Minister would see that four annas or eight annas per day are paid to these men as a sort of premium for staying in this city, then these people can be persuaded

to stay on. I might then assure the Hon'ble Minister that when there is an air raid, when there is a nuisance bomb these people will not run away while most of us so-called bhadralogues have already made up our minds to quit Calcutta as quickly as we can at the first sound of bombs.

**Mr. SHRISH CHANDRA CHAKRAVERTI:** Sir, after the serious commentary by my friend Mr. Humayun Kabir on the war and his very fine academic lecture on Civil Defence, we are glad to have been relieved by the eloquence of Mr. Roy Chowdhury on Civil Defence sitting in the precints of this Council House. But none of us as yet know and appreciate properly the actual facts and how those actual facts are being faced by the Hon'ble Minister in charge, as to how the citizens of Bengal are to be protected and how the Civil Defence has been organised, etc., etc. We do not yet know much about these things but we are only going on now and then hearing lectures of my honourable friends like professional lectures on public platforms. What I suggest therefore is that we must hear the Hon'ble Minister in charge of Civil Defence as to what he has up to now been doing and what are his proposals and then after hearing them we should give our suggestions if we have any to give. There may be a discussion on them here or later we can see him in office and the proposals can be debated accordingly. We should do something practical instead of, as we are accustomed to, having lectures and theorising. Those days have gone. If we want to do any real good, we must do something practical which is proper under the circumstances. We want to know the limitations on the powers of the Hon'ble Minister, i.e., the extent of his powers, and also how much he can do. We know also that there are the military authorities who have to do many thing so far as Calcutta and other parts of the province are concerned. Then, again, should martial law be declared in Calcutta what will be the position of the Government and the Hon'ble Ministers? If the principle of evacuation is adopted, what should be done—all these various questions have got to be answered by the Hon'ble Minister. After hearing his proposals on these points we will take the cue from him and act accordingly. That, I think, should be the best thing to do under the circumstances.

**Khan Bahadur NAZIRUDDIN AHMAD:** Sir, the subject for to-day's debate is the "air raid precautionary measures." In discussing this subject we should take a practical view. Instead of that. Sir, we have got to-day a very interesting academic lecture not only in regard to the present, but also to the past, and not only of this country but also of other countries.

What is wanted, Sir, is a practical realisation of the danger we are facing at the present moment. I believe the danger is proceeding very fast towards Calcutta and, in the face of the danger with which we are

faced, it is necessary to clearly visualise the danger that lies before us. Sir, what is wanted, therefore, is not an academic discussion as to the disposal of files or number of officers and this and that; but concentration on the actual A. R. P. work. (Mr. HUMAYUN KABIR: But files prevent rapid disposal of work.) Should we wait for reforms or join the movement at once? I would ask the people to join the A. R. P. movement straightaway. I would wait to consider the various academic matters through which Civil Defence is managed but I would insist on the people joining the great A. R. P. movement at once. We want people who could be trained and taught as to what should be done in case of an air raid. The people will have to be organised in this great A. R. P. work and we should consider it a first duty on our part to unite and encourage them to do so. In to-day's debate we are concerned not with arguments but with actions.

It was Sir Bijoy Prasad who requested the Government to set apart a whole day to inform the people and to allay their anxiety by explaining the steps that have been and are being taken to avert the danger. In his absence, the debate must take more or less an academic turn. It was he who could have given us an idea of what was in his mind. In the circumstances, it would be best perhaps to ask the Hon'ble Minister in charge of Civil Defence Co-ordination again to make a statement—he has once made a statement in this respect—and to give us the latest information as to what is being done, what is in the contemplation of the Government and what progress has been made towards the Civil Defence scheme and what steps the public might be expected to take in case of danger. We cannot prevent air raids, but we can mitigate the effect of the raids. Organisations have been opened and it is now necessary to concentrate our energy on inviting the people to join in the work of Civil Defence instead of spending our time in discussing matters of a purely academic nature. There may be some excuse for the people remaining apathetic; but I do not see any sufficient justification for apathy on the part of the public or their leaders to co-ordinate their services in this moment. Of course, much is due to the fact that India has no experience of war for a very long time. We have all forgotten the arts of war and we have ceased to be able to visualise the danger it entails. It is like the villager who, when told that a tiger had come, came out and met the tiger just to see how much fun could be obtained out of the visit. The realisation of the danger comes with experience. I therefore believe that we are apathetic because we have had no experience of war for several generations. I believe, in spite of the suggestions to the contrary, it is more important for us to ask the people to join the movement. It may not be that we should confine our attention to Calcutta alone. We should extend our activities towards the remotest villages and towns, especially those places which are supposed to be within the danger zone. I do not wish to take the time of the House by speaking on this subject at great

length. I would request the Hon'ble Minister to detail to us what practical steps he has taken: what steps are in contemplation and with what results. Whether he has received sufficient public response: if not, what the leaders of public opinion are expected to do in this direction? Our energy and attention should be directed towards the actual defence organisation. I submit that members of this Council as well as men outside should bend their energies towards the working of this organisation. After all, it is a movement for saving life and property of the people and curing and repairing the after-effects of the air-raids.

**Mr. J. B. ROSS:** Mr. President, I had not intended to take any part in this debate; but after hearing my friend Mr. Humayun Kabir I feel that I would be lacking in any duty to my community if I did not comment on some of his statements.

As is usual with Mr. Humayun Kabir under such circumstances, he could not resist the temptation of trotting out his favourite theme that the British are responsible for everything. He also could not help introducing a huckstering spirit into his speech as the price for his co-operation with the authorities. It struck me while he was speaking that so far as action by Indians against the British in this country is concerned, you hear "Bande Mataram" uttered with the greatest of fervour but when the country happens to be threatened with invasion by another enemy, if I can use the term correctly in its application to the British,—you don't hear of "Bande Mataram": but what you do hear is, "What are you going to give us for our co-operation in repelling that enemy"? Now, does that spirit reflect any real love on the part of Mr. Humayun Kabir for his own country? I doubt it. On the other hand, I was rather interested in the attitude taken up by my friend Mr. Shrish Chandra Chakraverti here. Mr. Humayun Kabir has practically told the Hon'ble Minister for co-ordination of Civil Defence exactly what his job is and how he ought to do it. Well, in every sphere of life you will find arm-chair experts but the wise man generally refrains from offering opinions on matters of high strategy unless he is in full possession of the facts of the case. Otherwise, if he does offer these opinions, he very frequently finds at a later date that he has made a fool of himself. Now Mr. Chakraverti's suggestion, as far as I could follow it, was, "We don't want lectures from members of the House as to what the Hon'ble Minister should do or should not do. We want to hear what the Hon'ble Minister has done and is going to do," and that is our attitude. We do not want to offer him any advice at this stage. We feel that he has in his possession far more information than we have. He has not been on the job very long but we feel that he is tackling it with all the resources at his disposal and we ought to extend to him our fullest co-operation in his efforts.

**Mr. HUMAYUN KABIR:** On a point of personal explanation, Sir. I think the reference of Mr. Ross to me also was one of the usual features with him that he also when he gets an opportunity throws a fling at me. It is not a question of offering conditional co-operation but stating an objective fact. All I said and made clear in my speech was that if our hearths and homes are attacked, we have got to put up all the best resistance that we can; but the conditions for enthusiastic resistance can be created only by an act of statesmanship of which Mr. Ross and his countrymen seem to be singularly incapable. One will be a case without much hope and the other would have been a case of certain chances of success.

As to the other point, that I was offering advice, it was because the Hon'ble Minister wanted suggestions. As you will remember, Sir, there was a talk that the Hon'ble Minister would first make a statement and we would then offer our suggestions. Because he did not do so, I began first and I think it is the right of every member and the duty of every member to do so. Mr. Ross has no right to come to this House merely to see, merely to listen to what the Hon'ble Minister says. If he has got no advice to give only for the fear that at some future date his prognostication might prove fallacious or his prophesies might prove fallacious, if he wants to keep quiet, it is better that he does not come to the House.

**Mr. NUR AHMED:** Sir, I whole-heartedly join with Mr. Chakraverti in his request to the Hon'ble Minister. Let us first hear from the Hon'ble Minister what proposals he has got and what steps are being taken and what on the whole he is doing for Civil Defence. Then we will be in a position to offer our humble advice. So, I also request the Hon'ble Minister to enlighten us on this matter.

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Mr. President, Sir, I welcome this opportunity of making a statement before this House on behalf of the Government with regard to the work of Civil Defence that is being carried on in this province. I welcome the debate which has been initiated by my esteemed and honourable friend Professor Humayun Kabir by a comprehensive survey of the situation. His speech has been followed by other speeches containing helpful suggestions. I thank Mr. Ross for the support he has given to this Ministry in the few words he has uttered on the floor of the House. At the same time, speaking for myself I would welcome most sincerely the suggestions that he might choose to make either here or outside this House, because I am sure, having regard to the thoroughness with which he deals with public questions, suggestions of a substantial character may be forthcoming from him. His suggestions I very much stand in need

of. And I really welcome any member who has bestowed any thought on this question to come forward and give me suggestions in regard to this Civil Defence question.

Now, Sir, Civil Defence is a part of military defence. When the enemy is waging war either on land or in the sea, it is incumbent upon the citizens who are victims of that war to organise their own defence either from the military point of view or from the civil point of view. So far as military defence is concerned, the Constitution has relieved us of that responsibility. We are not called upon to render any assistance or offer any suggestions with regard to military defence. But in the vast field of Civil Defence there is considerable room for assistance which the average citizen can render; and the lead which their leaders can afford to give in this respect is of immense value. When I was called upon to shoulder this additional burden of co-ordination of Civil Defence in Bengal, it was my one aim to enlist popular support by making an earnest appeal to leaders of thought and of public opinion in this province so that recruits may be forthcoming in thousands, enthusiasm unprecedented in its character may be evoked from this province so that people may be called upon to pursue the great work of their own Civil Defence. Sir, in my own humble way I have tried to do whatever is open to a Minister under the present Constitution. I have been trying to address public meetings, I have been trying to secure the assistance of popular leaders for the purpose of incessant appeal to the populace so that they may come forward in hundreds and thousands and take part in their Civil Defence. Appeals have been published in newspapers, press conferences have been called, public meetings have been held and last but not least, only the other day, on Saturday last, we had organised a conference in this very Chamber which was attended by leaders of public opinion in this city. I hope, Sir, substantial assistance will be derived as the result of this conference so far as Civil Defence co-ordination is concerned and that it will be helpful in stimulating recruitment in this city and in advising and guiding the course of action which has got to be adopted in connection with the Civil Defence measures which we are discussing this afternoon.

Now, Sir, the province has been divided into several vulnerable areas from the point of view of the danger with which they are threatened. There are areas which have come under class I, while others come under class II, and class III. From the point of view of danger, Calcutta, Chittagong, Asansol, and probably Noakhali stand in the forefront. So, naturally, Government had to concentrate much of its efforts upon the Civil Defence of these particular areas. We stand to-day in such a position *vis a vis* the enemy, who is for the time being carrying on his operations in Burma, that Calcutta has got to organise a great part of its military defence, namely, production of equipment

for the army. From that point of view, the necessity of keeping Calcutta in a state of highly-organised Civil Defence cannot be over-estimated. At the same time, the civil population of Calcutta, who are located side by side with our factories and workshops where all these armaments and equipments are being produced, also stand in need of protection. If these industries are to be protected, the civil population who work in these workshops and factories and reside in the city where these armaments are produced have got to be saved from the prospective ravages of the bomb. So, from that point of view the need of protecting Calcutta stands pre-eminent. We are well aware that Chittagong stands as the vanguard of the province and as such particular attention has for the moment got to be paid to Chittagong for her overwhelming needs and we are not unmindful of that aspect of the matter. So far as Calcutta is concerned, the position has now come to this: we do not want any non-essential and unnecessary people to stick on to this city if they can find some place outside Calcutta where they can go and stay until the emergency passes over. It is not necessary for any unnecessary population to remain in Calcutta. Women, children and male population who are not necessarily wanted in any essential job may very well go out of Calcutta and find a residence in some other place of comparative safety. That is a proposition which I hope has been made well-known to the public at large. Slow gradual exodus from Calcutta will not be unwelcome to Government and Government when the time comes, if it comes at all, will advise the people to clear off from Calcutta if they are not wanted in connection with any of its essential services. At the same time, it is incumbent upon the Government to provide and safeguard and secure the residence of the essential population in this city. Labour must be made to do its job; those who are required to carry on work in connection with the war or military defence must be prevailed upon to stay on and those whose residence in Calcutta is required from the point of view of Civil Defence must also continue to stay on and function. We want the city to carry on its normal life and activities to the fullest possible extent. At the same time, we suggest that those who can very well lighten our burden by removing out of the city because they are not an essential element in the life of Calcutta just now, will please themselves and please the Government also by going out in an altogether orderly manner, in a normal manner, instead of rushing out of the city in a state of panic.

That is the position, Sir, that we have visualised for ourselves.

Then comes the question of those who will remain and stay back in Calcutta and they have got to be provided with the maximum amount of protection that we as Government can give and are capable of giving. From that point of view we must organise the whole Civil Defence organisation of this Government. These are the main

principles so far as Calcutta and industrial areas surrounding Calcutta are concerned. Before coming to this in greater detail, may I only make a passing reference to other mufassil areas among which Chittagong stands pre-eminent? I have heard criticism that nothing has been done for mufassil areas in comparison to what has been done for Calcutta. I hold in my hand an account in some detail as to the steps that have been taken for Chittagong, for Asansol, for Ondal, for Ranigunge, for Burdwan, for Narayanganj, for Dacca, for Chandpur, for Mymensingh, Kharagpur and one or two other places—Khulna and Darjeeling which also come in the list. I do not desire to tire the patience of the House by giving details of the arrangements that have been made, but I can probably mention in broad outlines some of the steps that have been taken.

In Chittagong the installation of four sirens has been taken in hand and has been actually executed for the purpose of giving sufficient warning of the unwelcome approach of an enemy plane. Then the warden's posts which have already been set up number 40 and telephones have been installed in 30 of these posts. As regards enrolment of wardens, by the beginning of February, 361 wardens had been formally appointed of whom 309 have received their basic training, some of whom having also had first-aid and stirrup pump training. 75 per cent. of the full strength of 61 messengers have been recruited and provided with cycles. Five complete Rescue Parties have been recruited and lorries provided for them in the beginning of the month of February. The latest reports have been called for but have not reached me yet.

There are seven lorries which have been converted into 4-stretcher ambulances and arrangements are being made to convert 8 light cars into 2-stretcher ambulances which will be able to penetrate along the narrowest streets in the town. 60 men have been enrolled for service in the First Aid Parties. Five strong buildings have been chosen for First Aid Posts and have been given protection: equipment has been provided. Two combined depôts have been established and garages for the vehicles and dining rooms and kitchens for the personnel have been constructed. At the beginning of February 84 men were living permanently at one of these depôts and since then the number has risen to a considerable extent. Full provision has been made for the residence of these personnel in these depôts. Three trailer pumps have been sent to Chittagong in addition to that which already existed there and 6 more have been ordered. It is very difficult to secure trailer pumps merely at the bidding.

Two squads of 8 men each have been enrolled for each of these pumps and these men are living permanently at one of the depôts. They have already shown their worth in fighting a large fire which broke out in a crowded part of the town early in February. 164 tanks have been

made accessible to the trailer pumps and in addition six 20,000 gallon concrete tanks have been provided at danger spots in the town. Government has agreed and has actually paid out Rs. 63,000 to the Municipality towards the cost of improving the pumping plant and thereby increasing the pressure in the mains. I do not know, Sir, whether this money has been utilised for this purpose by the Municipality. That, however, is a problem which can be solved and the position ascertained by enquiry. But apart from that so far as the Government is concerned they have provided this money. Now 157 stirrup pumps had been sent in February to Chittagong but that number is not conisdered satisafctory and more have got to be sent.

Fourteen lorries and one car have been sent from Calcutta and converted for various A. R. P. purposes. Arrangements are being made to send additional vehicles.

Three instructors are busy teaching wardens and members of other A. R. P. Services. The A. R. P. Officer is a local barrister who has been trained at the Government of India A. R. P. Staff School in Calcutta and who has been found to be very serviceable. Two local officials have also had the necessary training. That is with regard to Chittagong.

At Asansol an experienced Deputy Magistrate has been appointed as a whole-time Controller for Asansol and he has been given training at the Government of India Staff School in Calcutta.

Two sirens have been installed in addition to the E. I. R. siren. Another is being put up. The Control Centre is manned throughout the twenty-four hours.

Well over 300 of the 384 wardens required have been appointed and a large number of them have been given training. The protective measures in the 23 wardens' posts have already been proceeding. All the 59 messengers on the sanctioned strength have been recruited and provided with cycles.

One lorry has been converted into a very fine 4-stretcher ambulance. Other vehicles are being converted. The staff necessary for the three first-aid posts have been appointed and training given.

Two rescue squads had been recruited by the end of December and the recruitment of another 3 was proceeding and is almost completed.

Then as regards stirrup pumps 100 have already been sent and buckets have been now provided. More stirrup pumps have been sent to supplement the original number 100. 80 men had been recruited for service in the street fire parties and others have since joined these parties. 6 men have been trained to work trailer pumps but at the end of December last year there were still no pumps available for Asansol and this deficiency has since been remedied.

Now so far as the East Indian Railway and the workshops of Messrs. Burn & Co. are concerned, they have completed their own self-contained arrangements according to the plan laid down by the Government of India and there is a complete organization at Burnpur and Kulti.

Now at Barakar a full-time Government officer has been appointed as Controller for the small town of Barakar and he has made considerable progress with arrangements there.

The whole of the arrangements for Ondal have been taken over by the East Indian Railway although recruitment for the small civil part of the town has been done by the Raniganj Controller.

As regards Raniganj a whole-time Government officer has been appointed A. R. P. Officer, and he has been given training in the Government of India Staff School. In Raniganj the warning will be given by hooters at the Pottery Works and it has not been necessary for Government to provide it with sirens.

Recruitment for the Wardens' Service has reached 100 per cent. at Raniganj and the full staff required for the two first-aid posts, the ambulances and the cars for sitting cases have been appointed. First-Aid Parties were almost up to the full strength and recruitment to the Rescue Parties was almost being finished.

Three buses were being converted for use as ambulances and arrangements for cars for sitting cases had been made.

As regards Narayanganj, great progress has been made there in every direction. Wardens have been recruited up to the sanctioned strength and in addition some reserves have been taken on. There has been a very satisfactory response to the appeal for messengers, the full strength having been recruited and cycles provided for them.

Two buses are being converted for use as ambulances and there will be a third launch-ambulance in Narayanganj. The six First-Aid Parties will be conveyed in 2 launches and 4 cars have been arranged. Parties have been fully recruited and have had first-aid training. Three good buildings have been chosen for First Aid Posts and protection work is being taken up. Most of the staff of these posts have been recruited.

Six rescue parties have been recruited and conveyance arrangements have been made for three of them. Then necessary stirrup pumps have been provided and in addition to a trailer pump belonging to the Municipality five more have been ordered by Government which are on their way. Over a thousand men have volunteered for service in the street fire parties and all the big jute companies and mills have made their own arrangements. A trained instructor is giving classes and other instructors will be provided as soon as they themselves have received training.

In Dacca a whole-time Government officer who is a European officer of the Indian Police has been appointed Controller. Six sirens have been ordered long ago but have not yet been received. In the meantime a temporary warning system is being worked out. Lighting restrictions are already in force.

About half of the required number of messengers have been selected and volunteers for the Wardens' Service are coming forward in satisfactory numbers. In fact the names of persons for more than 100 per cent. of requirements have been selected and the recruitment is still proceeding. Equipment for them is being provided as quickly as possible. In many of the Wardens' Posts protection work has been completed. There will be 8 First-Aid Posts and all the buildings have been selected. Unfortunately there is little response to the appeal for volunteers. This applies also to First-Aid Parties. A Staff Officer for the Casualty Service is however being appointed and it is believed that he will be able to effect a change. Five rescue squads have been recruited and vehicles are being converted for their use. Equipment was not received at the time this report was compiled and I may tell the House that because there is considerable request for equipment from all over India in the vulnerable places, it is difficult to get supply of these equipments as they are mostly supplied by the Government of India. 96 stirrup pumps have been received in Dacca. This is only a fraction of Dacca's requirements but the rest will be sent as soon as available. A Staff Officer for Street Fire Parties has been appointed and is busy recruiting. A considerable number of trailer pumps have been received and others are expected soon. Two instructors are already holding classes and others will be appointed as soon as they themselves receive training.

As regards Chandpur, the structure of the A. R. P. organisation has been worked out and recruitment is now proceeding. An energetic local doctor has been appointed whole-time A. R. P. Officer and has been given training at the A. R. P. Staff School in Calcutta. The Messengers Service has been organised. Wardens' Service is fairly organised. Suitable buildings have been chosen for wardens' posts and are being protected. As regards First-Aid Parties, volunteers have come forward but not in such number as is necessary.

Slit trenches have been made in various places in the town.

Then coming to Mymensingh, I may say that 5 sirens have been ordered for Mymensingh but as they had not been received, a temporary warning system was being worked out. I am sorry to say that at the time the report was compiled the response of the Municipality with regard to lighting restriction was very bad and only a few days before a report came that the existing street lights were still blazing on, with the result that the local people had also made little attempts to screen their lights. The District Magistrate took up the matter and I hope an improvement has been effected in this respect.

As regards the response of the public to the various appeals for volunteers for various services, that was also rather poor in Mymensingh. The idea generally seems to be prevalent there that nothing will happen to Mymensingh. Enthusiasm is however being sought to be instilled in the local people. A whole-time man has been appointed an A. R. P. officer and given a course of training at the Government of India Staff School, Calcutta. A number of trailer pumps have been ordered by Government for Mymensingh but have not been received at the time the report was compiled, and I am not sure whether the position has improved since then because tariler pumps are very much in demand now.

At Kharagpur a Government officer has been appointed whole-time A. R. P. Officer and has been given a course of training at the Government of India Staff School. There has been very satisfactory response from the public in Kharagpur. Sufficient names have been secured to bring the Wardens' Service up to 100 per cent. of its sanctioned strength plus some reserves. A local M.B. doctor has been appointed Officer-in-charge, Casualty Service, and 39 persons have been selected for service in the First-aid parties and at the first-aid posts. Equipment has been provided for them and training has been proceeding and has perhaps been completed by now. For the Rescue Service sufficient names have been secured for 6 squads. 28 stirrup pumps and nearly 3,000 sand bags are being sent to Kharagpur and the rest of the pumps required will be sent as soon as available. The trailer pumps had not been received at the time this report was compiled. The names of nearly 1,000 men have been secured for street fire-fighting service. Their training was proceeding and has now been perhaps completed.

This gives a rough outline of the idea of what is being done for vulnerable areas in the mofussil. So far as Calcutta is concerned, we have an entire structure ready. In fact, that was handed down to us when the new Ministry was formed and about a month ago when this new Civil Defence port-folio was created I was confronted with this structure, with this scheme which had been brought into existence by the late Government I might inform the House that this scheme and structure for the entire area had been brought into existence not only in Calcutta but in all the different provincial towns of India under the orders of the Government of India. The entire scheme was formulated by the Government of India in consultation with the Provincial Governments and this scheme was framed and formulated as a result of the experience gained in England. It was after some amount of research work reduced almost to scientific precision that this scheme has been framed, formulated and executed and it would require a great deal of experience to the contrary to effect any change of a substantial character in this scheme which has been adopted. Even the number of hospital beds which should be set apart for casualty cases have been worked out on a certain basis of the possibility of danger or the degree

of casualty being effected as a result of an air raid. One bed for each 400 heads of the population has been provided based in a particular area on the probability of so many people being expected to be killed having regard to the circumstances of that particular area. There are some such bases upon which these calculations have got to be made.

After all, it is all a matter of speculation more or less and these speculations must change from time to time according as the enemy changes his tactics and according as the vulnerable area is at a further distance or nearer. Therefore these arrangements cannot be considered to be sacrosanct and may have to be changed from time to time. But the main outline must remain and the services built up as a result of the experience, energy and devotion, cannot be brushed aside. Under the circumstances a *fait accompli* which was presented to the new Government had to be accepted. I do not for a moment suggest that there is no scope for improvement. There may be legitimate room for improvement and it is our earnest and sincere appeal to the leaders of our people that constructive suggestions should be made for the purpose of bringing about improvement in the situation so that recruitment could be carried on much more briskly and effectively and the lacuna may be filled up. It is for that reason that a committee will be set up in Calcutta as a result of the deliberations of the conference last week end. The committee has not been constituted yet and I hope to complete the constitution in the course of this week. If that committee takes upon itself the task of making suggestions of improvement in the A. R. P. organisation where improvement is really necessary for the purpose of enlisting popular support, for the purpose of stimulating recruitment in Calcutta, for the purpose of giving a drive so that people may come forward in their hundreds and thousands and make this A. R. P. organisation an organisation of their own, I hope that so far as Calcutta is concerned, those who will be compelled to remain in the city may remain and stay with much greater assurance than has been possible so long. Times are such that we cannot afford to take our stand on petty bickerings, petty squabbles, political differences and communal bitterness. We must concentrate all our efforts and pool all our resources for the purpose of fighting the great common danger with which we are faced to-day. I am making this appeal in all sincerity as a great burden has been laid on my weak shoulders which has to be borne by all of us: otherwise it is too much for any one man, however able and powerful he may claim to be.

My honourable friend Mr. Humayun Kabir has made some suggestions with regard to the reorginastion of the Civil Defence Port-folio. I must acknowledge the assistance and co-ordination which my colleagues, the Ministers in charge of other departments, have offered and also acknowledge the services rendered by the permanent Secretaries under them, for they have chosen voluntarily to abrogate their respective rights or privileges, if I may say so, and have agreed

to submit themselves to my suggestions and to my directions even without reference to their own respective Ministers, having obtained their permission in a general way. Therefore even in the matter of co-ordination there is not likely to be much difficulty if this arrangement can be worked out in the way in which it is expected to be worked out. I might remind the House that when this port-folio was created it was mentioned in the Government communique that it was done for the purpose of accelerating the work of Civil Defence in the province.

It is acceleration of work that was aimed at and certainly Mr. Kabir was right in saying that too many files, too much redtapism which is inevitable in well-ordered Secretariat work in normal times cannot be allowed to stand in the way of quick disposal of work and quick formulation of decisions. I can assure the House that it is understood by every one in the Secretariat that the telephone must play a much greater part than the file itself in formulation of policy and in the disposal of work. So far as Civil Defence is concerned, I am glad to be able to tell you that that is the spirit in which we are working. I hope, I trust and I feel sure that the permanent officials will rise to the occasion, will enter into the spirit of this popular movement of Civil Defence and will not lag behind in the fullest support that is expected of them in our efforts to make this organization broadbased on popular will and fully supported by popular enthusiasm. In fact I might tell you as I had occasion to say the other day before a conference in this chamber that the conference and the Civil Defence Committee were the expression of an idea which emanated from the officers themselves when I first suggested that such a course should be adopted. They had stood by me in my efforts to organize popular opinion voiced and focussed through popular committees and strengthened and supported by their good will. I hope popular enthusiasm will be worked up to a degree that cannot be too much in the present crisis. I trust that this debate will be of help in clarifying the atmosphere and that the report of this debate sent out through the machinery of the press will tend to hearten the citizens of Calcutta and will call forth their best enthusiasm and energy. (Cheers.)

**Mr. BANKIM CHANDRA DATTA:** May I have your leave to put one question to clarify the position a little? In case of evacuation people will have to leave behind their houses. Does the Government propose to take any steps for protection of those houses, and if so, what is such action?

**The Hon'ble Mr. SANTOSH KUMAR BASU:** Well, so far as the question of evacuation is concerned, that is not a real live question with the Government. There is no compulsory evacuation in Calcutta and that is not in contemplation at the present moment. What is now being suggested is that those who can make their own arrangements

for the protection of their houses in Calcutta and can find out suitable residence outside Calcutta or other places are welcome—not only welcome, are advised to go out of Calcutta, if they are not wanted in Calcutta for any essential work. But so far as protection of their houses in Calcutta is concerned, no special steps have yet been contemplated. It is expected that the ordinary police and the machinery of law will come to their assistance. In this connection, I may also say something which I had omitted to mention, namely, the question of affording suitable sanitary measures in the mofussil areas where large congregation of evacuees from Calcutta and other areas has taken place. The House is probably aware that in many mofussil municipal towns large concentration of citizens from Calcutta and other areas has occurred and problems have arisen in those municipalities as to how to deal with the questions of public health that have cropped up there and are baffling their resources. The House will be glad to learn that the Government have decided and issued orders in the Public Health and Local Self-Government Department that the municipalities will go ahead in the matter of expenditure that may have to be incurred for the purpose of effecting these public health and sanitary measures and the District Officers concerned have been instructed to allow Government money to be advanced to these municipalities to the fullest possible extent, any adjustment of expenditure between the Government and the municipalities being done later on. But that is not a consideration which should be allowed to stand in the way of these essential sanitary measures being undertaken by the respective municipalities.

## PROROGATION.

**Mr. PRESIDENT:** Order, order. I have it in command from His Excellency the Governor that the Council do now stand prorogued.

**Members absent.**

The following members were absent from the meeting held on the 10th March, 1942:—

(1) Mr. Altaf Ali.
(2) Mr. Kader Baksh.
(3) Rai Bahadur M. N. Bose.
(4) Khan Bahadur Rezzaqul Haider Chowdhury.
(5) Mr. D. J. Cohen.
(6) Mr. N. C. Datta.
(7) Mr. K. K. Dutta.
(8) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(9) Khan Bahadur Saiyed Muazzamuddin Hosain.
(10) Khan Bahadur Syed Muhammad Ghaziul Huq.
(11) Khan Bahadur Muhammad Asaf Khan.
(12) Maulana Muhammad Akram Khan.
(13) Sir T. Lamb.
(14) Mr. Naresh Nath Mookerjee.
(15) Dr. R. K. Mookerjee.
(16) Mr. R. Pal Chowdhury.
(17) Khan Bahadur Mukhlesur Rahaman.
(18) Dr. K. S. Ray.
(19) Mr. B. K. Roy Chowdhury.
(20) Mr. S. N. Sanyal.
(21) Rai Sahib J. M. Sen.
(22) Sir B. P. Singh Roy.
(23) Raja B. N. Sinha Bahadur.



B. G. Press—1942-43—1299A—750.

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## (Official Report)

### First Session, 1942.


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B. G. Press—1942-43—3465A—750.